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Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. LEAHY).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Sovereign Master of the Universe, Your kingdom cannot be shaken for You are King of kings and Lord of lords. We praise You that more things are wrought by prayer than this world can imagine.

Lord, thank You for inviting us to ask and receive, to seek and find, and to knock for doors to open. Forgive us when we have forfeited Your blessings because of our failure to ask. Forgive us also when we have lacked the humility to turn from evil, to seek Your face, and to pursue Your paths. May this prayer that opens today's session be a springboard for intercession throughout this day. Help our Senators to pause repeatedly during their challenging work to ask You for wisdom and guidance.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following the remarks of Senator MCCONNELL and me, the Senate will proceed to executive session to consider Calendar No. 223, the nomination of Kent Yoshiho Hirozawa, of New York, to be a member of the National Labor Relations Board and immediately have a cloture vote on that nomination.

MEASURE PLACED ON THE CALENDAR—H.R. 2218

Mr. REID. I am told H.R. 2218 is at the desk and is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for a second time.

The legislative clerk read as follows:

A bill (H.R. 2218) to amend subtitle D of the Solid Waste Disposal Act to encourage recovery and beneficial use of coal combustion residuals and establish requirements for the proper management and disposal of coal combustion residuals that are protective of human health and the environment.

Mr. REID. I now object to any further proceedings at this time.

The PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

THE NATIONAL LABOR RELATIONS BOARD

Mr. REID. Mr. President, for the first time in 3 years the Senate is poised to confirm members of the National Labor Relations Board. Although too few Americans are aware of the important job this Board does, the NLRB looks out for rights of millions of U.S. workers every day and remedies unfair practices by private companies. This Board is an important safeguard for workers in America, regardless of whether the employees are union or nonunion. Without the work of the NLRB, employees who have been cheated and treated unfairly would have no entity to address the wrongs. Union elections would be meaningless to employers and employees. Labor abuses and unfair employment practices could go unchallenged.

I am glad the Senate is moving forward as agreed under this process, set forth at the beginning of this Congress, to confirm five nominees to the NLRB, two Republicans and three Democrats.

The Senate will consider three Democratic nominees and two Republican nominees for the NLRB today. Once they are confirmed, the NLRB will have five Senate-confirmed members for the first time in a decade.

The five nominees are all eminently qualified.

For example, Mark Pearce has served on the National Labor Relations Board for 3 years, since 2010. He has served as chairman since 2011.

Mr. Pearce was a founding partner of a Buffalo, NY law firm, where he practiced employment law.

He previously worked in the Buffalo, NY regional office of the NLRB.

Mr. Pearce received his Bachelor's degree from Cornell University and his law degree from SUNY Buffalo.

Kent Hirozawa, whose nomination we will also consider today, is currently chief counsel for the National Labor Relations Board.

Before joining the NLRB staff in 2010, Mr. Hirozawa was a partner at a New York law firm, where he worked on Federal and State and labor and employment law.

Mr. Hirozawa also served as a field attorney for the NLRB from for 3 years prior to entering private practice.

He received a Bachelor's degree from Yale and his law degree from NYU.

Nancy Schiffer, the third Democratic NLRB nominee we will consider today, served as associate general counsel for the American Federation of Labor and Congress of Industrial Organizations.

She has also worked for the United Auto Workers and served as a staff attorney in the NLRB's Detroit regional office.

Ms. Schiffer received her Bachelor's from Michigan State University and her law degree from the University of Michigan.

Once we vote on the 3 Democratic nominees, I expect we will consider the 2 Republican nominees by consent.

The first Republican nominee, Harry Johnson, is a partner at a Los Angeles law firm and practices labor and employment law.

Mr. Johnson received his Bachelor's degree from Johns Hopkins University and his law degree from Harvard.

The other Republican nominee, Philip Miscimarra, is a partner in a Chicago law firm, where he also practices labor and employment law.

Mr. Miscimarra received his Bachelor's degree from Duquesne University, and his M.B.A and J.D. from the University of Pennsylvania.

These nominees will be responsible for ensuring fair compensation and working conditions for American workers.

Look at the résumés of these people. They are pretty impressive.

They are experienced and dedicated public servants, and I have no doubt that they will perform their duties on this crucial board with distinction.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. MARKEY). The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, today, the President will continue his campaign road tour in Chattanooga. We hear he plans to make an announcement about corporate taxes. And while I understand he is looking for headlines here, reports indicate that the policy he intends to announce doesn't exactly qualify as news. It is just a further-left version of a widely panned plan he already proposed 2 years ago—this time with extra goodies for tax-and-spend liberals.

The plan, which I just learned about last night, lacks meaningful bipartisan input, and the tax hike it includes is going to dampen any boost businesses might otherwise get to help our economy. In fact, it could actually hurt small businesses. And it represents an unmistakable signal that the President has literally backed away from his campaign-era promise to corporate America that tax reform would be revenue neutral to them.

Not only is this a rebuke to one of his party's most senior Senators—the Finance Committee Chairman—it also represents a serious blow to one of the best chances for true bipartisan action in Washington. I truly hope the President reconsiders this plan and consults with Congress before moving any further.

Two summers ago, Republicans and Democrats came together to agree on a set of spending caps for the following decade. President Obama agreed to it, as did the leaders of both parties in the Senate and the House.

It was essentially a promise made to the American people that Washington would reduce spending by $2.1 trillion, and I was happy to help lead the effort.

Well, 2 years later Democrats are now trying to find ways to walk away from it.

They are pressing to abandon the 2011 agreement in favor of higher spending, as evidenced by appropriations bills like the one we're considering this week—which hikes up spending by double digits. And the President is now actually threatening to veto bills that live up to that commitment we all made.

Let me repeat that: The President of the United States who, during the campaign, took credit for the very savings Democrats now want to walk away from, is threatening to veto spending bills that would actually follow the law and live up to the commitment he himself signed.

This represents a stunning shift for Democrats, who just recently were warning against breaking the agreement. The Chairwoman of the Budget Committee said last year that we have to be able to count on agreements that have been made, instead of threatening a Government shutdown. Yet that is just what she and her party are now threatening to do—to shut down the Government unless an agreement we all made is torn up and thrown away.

So if Democrats want to shut down the Government because they can't wiggle their way out of a deal they agreed to, I guess there is not much we can do to stop them. But Republicans intend to stick by the commitments made to our constituents.

That said, there is also this to remember: Republicans have always said that there may be more effective ways to achieve comparable spending reductions. If Democrats want to propose smarter spending cuts that achieve the same kind of savings they committed to in 2011, we are ready to listen. Comprehensive Government spending reforms would be a good place to start.

Because Republicans understand that America's largest fiscal challenges stem from the fact that programs our fellow Americans hope to rely on in their most vulnerable years are going bankrupt. And Republicans are saying that the only way to avert the kind of panicked, poorly thought out spending cuts and tax increases we have seen in Europe is to implement forward-looking reforms today. That is why it is always so amusing when the President and his allies try to brand the kind of innovative government spending reforms we favor as ''European-style austerity,'' as he implied again this weekend.

Nothing could be further from the truth. In fact, what the Europeans are doing in response to the threats from their creditors is essentially the opposite of the approach favored by Republicans. The type of long-term spending reforms we envision are often the only antidote against the kind of austerity we see in Europe. Because European austerity is not about protecting future generations from spending cuts, it is about staying afloat today. And the tax increases Europeans enact under duress—and the kind of pain Detroiters experience under bankruptcy—these are exactly the things Republicans aim to avoid. And we aim to avoid those things by acting intelligently today, while we still have time.

Unlike Democrats, Republicans are not looking for some colorless discussion about raising taxes here or snipping there or moving numbers around on a budget chart. We would rather have a more holistic, forward-looking conversation, one about modernizing Government to meet the challenges of the 21st Century.

Where we ask questions like:

How do we modernize entitlement programs so they'll actually be accessible to Americans when they need them?

Which government programs should be reformed, updated, or no longer make sense in a 21st Century economy? How can services be delivered in the most efficient and technologically savvy way?

And what structural reforms can we implement to ensure the most robust economic growth and job creation for this generation and those to come?

By addressing the big questions now—by identifying and implementing forward-looking reforms today—we can do a lot more than just reduce the deficit in the short term. We can also create jobs now, grow the economy now, make Government work better now, and eliminate the threat of a debt crisis everyone knows is coming, a debt crisis that would usher in the very kind of European-style austerity Democrats claim not to like, but keep accelerating towards.

But in order for this to happen, Democrats need to work with us.

As a first step, they should step back from the brink with their plan to shut down the Government. And they need to stop threatening to tear up agreements we all previously assented to. The Budget Control Act might not be perfect, but at least we were able to secure important spending control for the American people. And if Democrats want to trade some savings for innovative reforms that can serve our country even better over the long term, then there are policymakers ready to talk.

But Republicans are not going to just give up on the commitments made to our constituents. Not only would that be a betrayal of a promise we all made, but we have already seen where the Democrats' left-leaning policies and European-inspired ideas lead.

More of that is the last thing our country needs right now.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF KENT YOSHIHO HIROZAWA TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read as follows:

Nomination of Kent Yoshiho Hirozawa, of New York, to be a Member of the National Labor Relations Board.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Kent Yoshiho Hirozawa, of New York, to be a Member of the National Labor Relations Board.

Harry Reid, Tom Harkin, Jack Reed, Sheldon Whitehouse, Christopher A. Coons, Robert P. Casey, Jr., Benjamin L. Cardin, Patrick J. Leahy, Joe Manchin III, Elizabeth Warren, Debbie Stabenow, Carl Levin, Angus S. King, Jr., Richard J. Durbin, Charles E. Schumer, Amy Klobuchar, Richard Blumenthal.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Kent Yoshiho Hirozawa, of New York, to be a member of the National Labor Relations Board for the term of 5 years, expiring August 27, 2016, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Ms. HEITKAMP) is necessarily absent.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from New Jersey (Mr. CHIESA).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 64, nays 34, as follows:

[Rollcall Vote No. 189 Ex.]

YEAS—64

Alexander	Coons	King
Ayotte	Corker	Klobuchar
Baldwin	Donnelly	Landrieu
Baucus	Durbin	Leahy
Begich	Feinstein	Levin
Bennet	Flake	Manchin
Blumenthal	Franken	Markey
Blunt	Gillibrand	McCain
Boxer	Graham	McCaskill
Brown	Hagan	McConnell
Cantwell	Harkin	Menendez
Cardin	Heinrich	Merkley
Carper	Hirono	Mikulski
Casey	Johnson (SD)	Murkowski
Collins	Kaine	Murphy
Murray	Schatz	Warner
Nelson	Schumer	Warren
Pryor	Shaheen	Whitehouse
Reed	Stabenow	Wicker
Reid	Tester	Wyden
Rockefeller	Udall (CO)	
Sanders	Udall (NM)	

NAYS—34

Barrasso	Grassley	Portman
Boozman	Hatch	Risch
Burr	Heller	Roberts
Chambliss	Hoeven	Rubio
Coats	Inhofe	Scott
Coburn	Isakson	Sessions
Cochran	Johanns	Shelby
Cornyn	Johnson (WI)	Thune
Crapo	Kirk	Toomey
Cruz	Lee	Vitter
Enzi	Moran	
Fischer	Paul	

NOT VOTING—2

Chiesa	Heitkamp

The PRESIDING OFFICER. On this vote, the yeas are 64, the nays are 34. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Cloture having been invoked, pursuant to S. Res. 15 of the 113th Congress, there will now be up to 8 hours of postcloture consideration of the nomination equally divided in the usual form.

The Senator from Iowa.

Mr. HARKIN. Mr. President, I understand we are now in postcloture debate on this nominee. I understand there is up to 8 hours that can be consumed for that purpose, if I am not mistaken.

The PRESIDING OFFICER. The Senator is correct.

Mr. HARKIN. I certainly hope we don't have to take that much time. For this nominee and the other four to follow, I am hopeful we can get through them today and get the nominees to the President before we leave here this evening.

Today is a day that I and many of my colleagues have long waited for. Because of the bipartisan deal reached on the President's nominees, it looks as though we finally have a path forward to confirm a full slate of nominees to the National Labor Relations Board. A fully confirmed, fully functional board will be a huge step forward for workers and employers in our country, and this will be the first time in over a decade this has happened.

Over 75 years ago Congress enacted the National Labor Relations Act, guaranteeing American workers the right to form and join a union and to bargain for a better life. For both union and nonunion workers alike, the act provides for essential protections. It gives workers a voice in the workplace, allowing them to join together and speak out for fair wages, good benefits, and safe working conditions. These rights ensure that the people who do the real work in this country see the benefits when our economy grows and aren't mistreated or put at risk on the job.

The National Labor Relations Board is the guardian of these fundamental rights. Workers themselves cannot enforce the National Labor Relations Act; the Board is the only place where people can go if they have been treated unfairly and denied the basic protections the law provides. Thus, the Board plays a vital role in vindicating workers' rights. In the past 10 years the NLRB has secured opportunities for reinstatement for 22,544 employees who were unjustly fired. It has also recovered more than $1 billion on behalf of workers whose rights were violated in the last decade.

The Board does not just protect the rights of workers and unions; it also provides relief and remedies to our Nation's employers. The Board is an employer's only recourse if a union commences a wildcat strike or refuses to bargain in good faith during negotiations. The NLRB also helps numerous businesses resolve disputes efficiently. For example, when two unions picketed Walmart in 2012, Walmart filed a claim with the NLRB, and the NLRB negotiated a settlement. So by preventing labor disputes that could disrupt our economy, the work that the Board does is vital to every worker and every business across the Nation.

Earlier this year I received a letter from 32 management-side and 15 union-side labor attorneys from across the country who made this point particularly well. It urged the swift confirmation of a full package of five NLRB nominees and said:

While we differ in our views over the decisions and actions of the NLRB over the years, we do agree that our clients' interests are best served by the stability and certainty a full, confirmed Board will bring to the field of labor-management relations.

I could not agree more. Confirming these nominees swiftly is vitally important because the National Labor Relations Board must have a quorum of three Board members to act. If there are less than three Board members at any time, the Board cannot issue decisions and essentially must shut down. Although the Board currently has three members, Chairman Pearce's term expires on August 27—next month. At that point the Labor Board would be unable to function unless we confirm additional members. Now, that is more than just an administrative headache. It would be a tragedy that denies justice to working men and women across the country. So it is imperative that we act to avoid this and keep the Board open for work.

Up until recent times, all of us in Congress agreed that the Board should function for the good of our country and our economy, but in the last few years that understanding has broken down. As I said, it has been a decade since the Board has had five Senate-confirmed members. It is not that qualified people have not been nominated, because they have. The problem is that a few of my colleagues on the other side of the aisle—I am not saying everyone, but a very vocal minority—have been trying to use the nominations process to undermine the mission of the National Labor Relations Board.

They, first of all, do not like the National Labor Relations Act, but they

know they could never repeal it outright. So what is their solution, this vocal minority on the Republican side? Keep the NLRB inoperable by refusing to confirm nominees regardless of their qualifications. In this case, one of my Republican colleagues announced his intention to filibuster the NLRB nominees 6 days before the nominations were announced, and he openly admitted his intention was to shut down the agency.

We have seen lots of nominees deemed unacceptable simply because they have worked on behalf of workers or unions and they support our system of collective bargaining. These nominees have been accused of being biased and called unfit to serve because they worked for labor unions or were lawyers for labor unions. But I would like to point out what the National Labor Relations Act—the law—actually says. I have often quoted from the National Labor Relations Act on this point, and I will do so again right now. Here is what the law says:

It is declared to be the policy of the United States to eliminate the causes of certain substantial obstructions to the free flow of commerce and to mitigate and eliminate these obstructions when they have occurred by encouraging the practice and procedure of collective bargaining and by protecting the exercise by workers of full freedom of association, self-organization, and designation of representatives of their own choosing, for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection.

That is what the law says. The purpose is, again, to encourage ''the practice and procedure of collective bargaining'' for the good of our workers, for the good of our economy, and for the good of our Nation.

So if we have a nominee who comes up for the Board who supports collective bargaining, I would think that nominee would be more qualified, not less qualified, to serve on the Board because that nominee understands what the law says. So we should be seeking nominees who are, in the words of one of the nominees before us today, not pro-union, not pro-worker or pro-management, but ''pro-Act''—''pro-Act.'' If you are pro-act, the act says that we should be ''encouraging the practice and procedure of collective bargaining and by protecting the exercise by workers of full freedom of association, self-organization, and designation of representatives of their own choosing.'' That is what the law says.

I am optimistic that the nominees before us today will bring this perspective to their work at the Board. All five nominees have diverse backgrounds and are deeply steeped in labor and employment law. While I certainly do not agree with the politics or perhaps the ideology of each nominee, it cannot be disputed that this is a competent and experienced group of lawyers. Given their diverse backgrounds and qualifications, there is no reason this package of nominees should not be confirmed with strong bipartisan support.

All five of these nominees have been thoroughly vetted. For the two most recent nominees—Kent Hirozawa and Nancy Schiffer—the vetting process has been quick, but it has been thorough. They have submitted all of the paperwork that we receive for our nominees. They have appeared before our committee in a hearing, answered any questions. They have met with staff for both sides, and they have answered all the written questions posed by members of my committee. They have demonstrated themselves to be impressively qualified and capable, and I look forward to their future service on the Board.

So I believe the time has come to start a new chapter for the NLRB. It is time to ratchet down the political rhetoric that has recently haunted this agency and let the dedicated public servants who work there do their jobs. Indeed, I hope today's votes mark a new beginning for the Board, with a new energy and vitality, a new spirit of collaboration. A revitalized NLRB is a critical part of our continued efforts to build a strong economy and a strong middle class. It is long past time to put the Board back in business and to tone down the rhetoric.

I say to my friends on the other side—again, a vocal minority—certainly they can vote against the nominees. That is their right. That is their privilege. But do not use the nomination process to try to shut down the Board or to thwart the implementation of the National Labor Relations Act.

I am sure there were times when a majority of the Board was appointed by Republican Presidents and they were probably more promanagement. I cannot think of one right now, but I am sure they probably made some decisions that I would not be in favor of. But they did it openly. There are also times under a Democratic President when the Board would probably have three members who would be more from the labor side than management side. But that is the ebb and flow.

Quite frankly, for most of the times in the past, even though Republican Presidents had put nominees on the Board who were probably more promanagement or came from the management side—they would have three of those and then two from the worker or labor side—they still ran the Board in a nonpartisan fashion and reached agreements in an open fashion that were implementing the National Labor Relations Act. I would be hard pressed to think of a time when the Board acted in contradiction to what the act actually says.

Until recently—and this has just broken down in the last few years when President Obama's nominees to the Board, in the first instance, were filibustered when the President had to give recess appointments to nominees. Of course, a recess appointment can only last so long, and then that person has to leave the Board. As I said, there was a threat by a Member on the Republican side to filibuster nominees before they were even sent down. That means the Board would have been unable to operate. So the President then gave a recess appointment to two nominees to keep the Board functioning. That then found its way into the courts.

We have a couple of courts that decided the President did not have the power to do a recess appointment the way he did it. Other courts have taken different pathways. So that set of facts in that case is winding its way to the Supreme Court. It probably will be decided some time next year. But that is what happens when people do not let nominees who are fully qualified—fully qualified—come to the floor to get an up-or-down vote.

So I am very pleased this agreement that was reached a couple weeks ago to not filibuster nominees included the National Labor Relations Board. So we have an agreement from the Republican side that they will not filibuster these nominees. We have five of them. This is the first, Mr. Hirozawa. I am hopeful that, again, since they have been thoroughly vetted, we can move ahead expeditiously to vote on them and that we will not take the full 8 hours to debate these nominees and that each one of them—each one would have 8 hours. But, hopefully, we can collapse that and have the votes on the nominees at some time later this afternoon, and, as I said, turn a new chapter in the NLRB. Put them down there on the Board and let them do their work, and tone down the political rhetoric a little bit on the National Labor Relations Board.

Mr. President, I ask unanimous consent that time during all postcloture quorum calls on the Hirozawa nomination be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHANNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHANNS. Mr. President, I ask unanimous consent that I be allowed to speak for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

BUDGET CONTROL ACT

Mr. JOHANNS. Mr. President, as we begin our final week of legislative activity prior to the August work period, I rise today to discuss the fiscal challenges that will await us on our return. When the Senate gavels back into session on September 9, we will be only 3 short weeks away from the end of the fiscal year. We will have only 15 business days to reach an agreement on all 12 appropriations bills and avoid a government shutdown.

Unfortunately, our progress toward reaching this goal has been less than stellar. The transportation-housing appropriations bill we are currently considering is the first of 12 bills that has even been brought to the Senate floor. Consider this: We cannot even agree to comply with the spending limits mandated under current law. We are headed for a big multitrain pileup.

Last Congress, the Senate and the House made a promise to the American people—made a promise about a basic level of fiscal constraint on our appropriations process; not enough, but a step in the right direction. As a part of the Budget Control Act, which passed with bipartisan support and was signed by the President, we committed to capping appropriations spending at certain levels for each of the next 10 years.

Less than a year ago, the majority leader emphatically proclaimed them binding when he said:

> We passed the Budget Control Act. We have agreed to all of those numbers. They are done. They are agreed to.

In only the second year of this 10-year schedule, the 12 appropriation bills are mandated to spend no more than $967 billion. That is a huge number to almost everyone. It is simply a whole lot of spending, almost $3 billion a day. But my colleagues on the other side want to spend even more. In fact, they want to spend well over $1 trillion this year.

You see, they want to pretend the Budget Control Act never passed and was never signed into law. They want to keep on spending as if there is some kind of alternative reality. But sadly that is not the case. Our Nation's deficit is still too large. We are still miles away from a balanced budget. The national debt continues on a course toward disaster. Yet, apparently, we are going to ignore the appropriations caps we all agreed to 2 years ago—not by an insignificant amount, an additional $91 billion above the legal limit in the next fiscal year alone.

As a new member of the Appropriations Committee, I have been surprised to watch week after week bills being advanced that simply ignore current law. With a $17 trillion national debt, we cannot simply imagine our way out of this crisis. But by ignoring the Budget Control Act, that is exactly what we are attempting to do.

I continue to believe very strongly that we should be preparing bills that are consistent with current law, abiding by the spending caps we voted for and were signed by the President. I think we should even do more than that, but complying with the current law is the bare minimum.

What does all of this mean? Who gets hurt if we ignore the BCA caps? Well, ignoring the BCA spending levels is not free money we can print down at the Treasury Department. Spending over the BCA caps simply sets the stage for yet another round of sequester cuts. We all remember how popular that was beginning this year. The administration officials claimed our health, our safety, our well-being, were in the balance as they traveled the country, threatening services such as Head Start, food safety inspectors, and massive delays at airports because of the indiscriminate, across-the-board spending cuts.

That is exactly what we are going to see in a few weeks because the majority would rather wash their hands of the responsibility to honor the caps and continue spending as though actions do not matter. But that is exactly the Senate's plan, spend $91 billion over what the law allows. When $91 billion worth of across-the-board cuts kick in, they hope the outcry from the American people is loud enough to convince us here in Congress to add the additional spending to our national debt. In my judgment, that is no way to run a railroad, but that seems to be the plan: keep spending us right into another sequester, ignore the consequences, and hope for the best.

It simply boggles the mind, especially when you consider all but two Senate Democrats on the Appropriations Committee supported—I emphasize supported—the increased level of spending restraint in the BCA.

Instead, we should have been using this time as an opportunity to more thoughtfully reduce spending before the end of the fiscal year. That is exactly what President Obama says he wants, when he says Congress should use a scalpel to tame our budget problems, not an axe, in across-the-board spending cuts. We can responsibly meet the $967 billion spending target in current law, but we have to try. But instead of seizing the opportunity, we are once again shirking our responsibility in the hopes that no one will notice. That is disappointing to the American people. By exceeding the caps, we are violating yet another commitment we have made to them to get our fiscal house in order. You see, the American people figured this out long ago. Washington simply spends too much and, most importantly, spends too much of their own money. As their elected representatives, we should not ignore this. I am hopeful we can change course, take this opportunity and ensure that our spending bills total no more than what we promised months ago.

Come October 1, the American people will have the opportunity to see whether we have met that challenge. I hope for the sake of the country they get better news than what appears today.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SCHATZ). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESIDENTIAL NOMINATIONS

Mr. ALEXANDER. Mr. President, this week the Senate is voting on five of the President's nominations for membership on the National Labor Relations Board. I expect all five to receive up-or-down votes, as they generally do, and I expect all five to be confirmed. The Board will then have a full complement, with a Democratic majority of three and two Republican members.

I would like to review for a moment what has happened and how we got to this spot because it is an important moment in the history of our ability as a country to maintain the checks and balances and certain separations of power among the various branches of government and especially to restrain the Executive, which has been an important part of our country's history.

In January 2012 the President nominated two individuals to be members of the National Labor Relations Board using his recess-appointment power. He has that power in the Constitution. The only problem was that the Senate wasn't in recess—at least that was our view. The Senate was in a 3-day pro forma session. A 3-day pro forma session is a device that was employed by Senator REID, the distinguished majority leader, when Bush was President, and he did it to keep President Bush from using his recess-appointment power when the Senate was in recess.

Most of our Presidents have chafed under the restraints we have placed upon our Executive. President Bush didn't like that, but he respected it, and President Bush never made recess appointments while the Senate was in session. But President Obama did—on January 4, 2012. Senate Republicans objected strongly to that. After a great deal of discussion, we decided to support a lawsuit challenging the appointments. That lawsuit went before the DC Circuit Court of Appeals, and the Circuit Court of Appeals agreed with our position and said in effect that the President could not make a recess appointment when the Senate itself had determined it was in session.

Since then there have been two other decisions by other federal courts of appeals that have said what the President did on January 4, 2012, was unconstitutional. The case will come before the Supreme Court this next term. No one knows what decision the Supreme Court will make, but my sense would be that the Supreme Court will say to this President or to any President that, Mr. President, you can't use your constitutional power to make a recess appointment at a time when the Senate is not in recess.

I said earlier that Presidents have chafed under these restraints on the executive branch. That has been true ever since the days of George Washington. George Washington imposed his own modesty and restraint upon the American character when he resigned

his commission after the Revolutionary War, when he stepped down after two terms as President and went back to Mount Vernon, when he asked to be called Mr. President instead of Your Excellency. Ever since then we have had many strong Presidents. They haven't all liked the idea that Washington also helped write a constitution that created a congress and a bill of rights, and the whole purpose of that was to restrain the Executive. After all, our revolution was against a king, and most of our Founders—not all of them, but the majority of the drafters of the Constitution didn't want a king of the United States, they wanted a president of the United States.

One of the most important checks upon the power of the Executive is the Senate's power to advise and consent, the power to review. About 1,000 Presidential nominations come to us, and it takes a while to confirm them. Sometimes it takes longer than the nominees think it should. I have repeated many times on this floor that when the first President Bush nominated me to be Education Secretary and the Senator from Ohio held up my nomination for 3 months, I didn't think that was such a good idea, but the Senate had the power to do it because the Constitution restrains the Executive. Unfortunately, this President didn't seem to read that chapter in American history because we have seen during this President's time repeated efforts to circumvent the constitutional checks on the Executive.

This administration has appointed more czars than the Romanovs had. That is the way you get around the nomination process. This administration's excellent Education Secretary has used a simple waiver authority in effect to create a national school board. When Congress says we don't want to appropriate money to implement ObamaCare, the Health and Human Services Secretary says: Well, if Congress won't do it, I will do it anyway; I will just go out and raise private money and do it. Then we have recess appointments being made when the Senate is not in recess. That is unconstitutional. If that could happen, the Senate could adjourn for lunch and come back and we would have a new Supreme Court Justice because the President said we were in recess.

So what is happening this week with these National Labor Relations Board nominees has a special significance in our constitutional history because not only did Republicans support a lawsuit challenging the appointments, which we are winning and the case has been won in two other Federal courts—but the President, after much discussion, has withdrawn his two unconstitutionally appointed nominees.

I suggested that he do this in May when we had a markup of the five nominees the President sent. I voted for three—the Democratic Chairman and the two Republicans—and I voted against the two who were unconstitutionally appointed. They were well-qualified people. That wasn't the issue. The issue was that the Senate needed a way to express its objection to this unconstitutional action by the Executive.

I suggested that what the President should do is withdraw those two nominees and send us two new ones in the normal process—people who had not stayed on after a Federal court decided they were unconstitutionally there. These two unconstitutionally appointed nominees have participated in more than 1,000 cases. These cases are all subject to being vacated because there was no constitutional quorum.

It leaves quite a mess in our labor laws. But the President withdrew those two and now we are, this week, doing what the Senate normally does. We are considering in the normal process his new nominees.

I am voting, as I said, for the two Republicans and the Chairman. The Chairman was not unconstitutionally appointed. He did not continue to serve as an unconstitutionally appointed person, since he was not so appointed, so I voted for him in committee. I do not agree with the Chairman and his view of labor laws, but I will have to take that up during the next election. Elections have consequences, and when we elect the President of the United States, he normally appoints people who agree with him.

I am also voting for having an up-or-down vote. We almost always do that with the President's nominees. There have only been a few times in our history when we have not. We have never failed to have an up-or-down vote on a Supreme Court Justice after they have come to the floor. We have never failed to have an up-or-down vote on a district court judge after they have come to the floor; the same in terms of circuit courts. We never did, until Democrats started filibustering President Bush's judges about 10 years ago when I came to the Senate. We all know that story.

But normally we have an up-or-down vote, and we will be doing that this week on the President's five nominees. I am voting against two of the nominees when that up-or-down vote comes, and I wish to explain why.

One is Mr. Hirozawa and the other is Ms. Schiffer. Both of them have excellent legal backgrounds. But the problem is I am not persuaded—I hope I will be proven wrong—that they will be able to transfer their positions of advocacy to positions of adjudication; that they can be impartial when employers come before them.

Employers as well as employees have a right, when they come before the National Labor Relations Board, to expect that all five members, whether Republicans or Democrats, from whatever background they might have, will look at the case and decide it in an impartial way. It may be possible that Mr. Hirozawa and Ms. Schiffer can do that, but I am not persuaded that is true, and so while I am voting that they have up-or-down votes, I am not voting for them.

The President has nominated for the Board three different individuals who were employed directly by major labor unions. The first was Craig Becker, who was counsel for two unions, and whose nomination was rejected by a bipartisan vote in 2010. The second was Mr. Griffin. The third is Ms. Schiffer.

I asked Ms. Schiffer at her hearing if she could remember other examples of an administration stocking the National Labor Relations Board with organized labor employees and she could not think of examples and I could not either. Over the last several years, the National Labor Relations Board seems to have veered away from impartiality. Instead of preserving a level playing field and protecting the carefully balanced rights of all parties, it has shown favoritism toward organized labor leadership and very little interest in the rights of individual employers or individual employees who want to exercise their rights not to join a union.

In fairness, I have to admit this politicization of the National Labor Relations Board has occurred both under Republican and Democratic administrations, but I think appointing a person directly from a high level job within a major labor union is not an example of trying to move away from that trend.

The trend is causing confusion. One labor law professor at a nationally recognized law school recently said she cannot even use her labor law textbook anymore. She has to resort to handing out NLRB decisions to explain the law because they are changing it so much. The NLRB has ventured into rulemaking with two new efforts, both of which have been stalled by the Federal courts.

In August 2011, the Board issued a new rule requiring employers to post a biased employee rights poster in the workplace and making it an unfair labor practice to fail to do so. Two separate Federal courts have struck down the rule because it exceeded statutory authority.

In December 2011, the Board issued a new rule shortening the time in which a union election is held, otherwise known as the ambush elections rule. The DC Circuit Court struck down this rule on the grounds it lacked a quorum, and the NLRB is appealing the decision.

So far, this administration's NLRB has sought to change the rules for determining bargaining units, the process for certifying a representation election, the legal obligation of employers to withhold dues from employees' paychecks, even when there is no valid collective bargaining agreement in place, the validity of arbitration provisions in employment contracts, the legality of numerous well-intentioned employee handbook provisions, the rules governing employee discipline when there is no valid collective bargaining agreement in place, the rules governing the

confidentiality of employee witness statements given during a legitimate investigation, the policy against forcing nonunion member employees to pay for union lobbying expenses, the rules governing employers' rights to limit access to their property, and attempting to create an entirely new employer obligation and unfair labor practice through the poster requirement struck down by multiple Federal appellate courts.

The effect of all of these changes seems to me to tilt the playing field in favor of organized labor instead of impartiality, which is the directive of the statute. So fairness and impartiality is what I am looking for in any NLRB nominee. These two nominees do not pass this test. That is why I plan to oppose their nominations.

But the most important message from this week's debate is this: The Senate is saying, not just to this President but to any President, Republican and Democrat, that you may not abuse your constitutional power of recess appointments by making appointments when the Senate itself determines it is not in recess. To do so is an affront to the separation of powers. It undermines checks and balances that were placed upon the Executive at the beginning of our country as a way of preserving our liberties. That is an important step in the history of constitutional law in this country, and I am glad to see it has been done in this way.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HEINRICH). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

LITTORAL COMBAT SHIP PROGRAM

Mr. MCCAIN. Mr. President, over the last few years, I have spoken on the floor about how the Department of Defense procures major weapons systems—a system that is, to a large degree, broken, unfortunately. It is now even more important. With defense funding likely to be constrained to reduced levels in the coming years, our role as legislators overseeing major defense acquisition programs to make sure they are efficient and effective is as important today as it has ever been—indeed, even more so.

A recently released Government Accountability Office—GAO—report that is highly critical of the Navy's Littoral Combat Ship Program brings me to the floor today. On that program, the Navy plans to spend over $40 billion to buy a total of 52 seaframes and 64 so-called ''plug-and-play'' mission modules. These are modules that would be moved on and off, depending on the mission in which the Littoral Combat Ship is engaged. The combined capability of those modules with the seaframes is supposed to give these ships their intended lethality.

Until recently, my main concern with this program has been the unbridled growth in the cost to build the seaframes of the lead ships: the Freedom—the steel hull version—and the Independence, which is an aluminum trimaran version. The Navy appears to have addressed that problem. While the cost to build the seaframes for the follow-ships is still about double the program's original, overly optimistic cost estimate—which is not unusual—the cost to complete the construction appears to have stabilized at about $450 million each.

Today I am concerned about another very serious problem: that the Navy will buy too many of these ships before the combination of their seaframes, with their interchangeable mission modules, has been proven capable of performing the missions these ships are supposed to perform. In other words, the Navy will not know whether this Littoral Combat Ship meets the combatant commanders' operational requirements until after it has procured more than half of the 52 planned ships. This is particularly troubling inasmuch as the Littoral Combat Ship fleet will comprise more than one-third of the Navy's surface combatant ships.

The Littoral Combat Ships' stated primary missions are antisubmarine warfare, mine countermeasures, and surface warfare against small boats, especially in the littorals. These three primary missions appear oriented toward countering, among other things, some of the littoral or coastal anti-access/area-denial capabilities that have been fielded in recent years by potential adversaries.

The Navy took delivery of the first of two ships—the Freedom and Independence—more than 3 years ago. But the ship called Freedom actually deployed, albeit with limited capability, to Singapore in March and has experienced many of the technical challenges normally associated with a prototype ship. The decision to deploy the ship Freedom prior to the completion of critical developmental and operational testing may be good salesmanship on the part of the Navy, but the current plan to buy more than half of the total Littoral Combat Ship fleet prior to the completion of operational testing plainly contradicts defense acquisition guidelines and best procurement practices—and amounts to a case of ''buy before you fly,'' to borrow a phrase from aircraft acquisitions.

It also increases the risk that the program will incur additional costs to backfit already built Littoral Combat Ships with expensive design changes identified through late testing and evaluation or, worse, operational use.

As is the case in several other major defense acquisition programs, the problem here is ''excessive concurrency''—that is, an overlap between development and production that exposes the program to a high risk of costly retrofits to earlier units in the production run. It sounds simple, but this is the problem that for years rendered the Joint Strike Fighter Program effectively unexecutable and that led to the terminations of the Army's multibillion-dollar Future Combat Systems Program and the Air Force's Expeditionary Combat Support System Program.

As to the Littoral Combat Ship, the General Accountability Office spelled out this problem in the report it released just a few days ago. According to the GAO:

> There are significant unknowns related to key LCS operations and support concepts and the relative advantages and disadvantages of the two variants. The potential effect of these unknowns on the program is compounded by the Navy's aggressive acquisition strategy. By the time key tests of integrated LCS capability are completed in several years, the Navy will have procured or have under contract more than half of the planned number of ships. Almost half of the planned ships are already under contract, and the Navy plans to award further contracts in 2016, before the Department of Defense makes a decision about full rate production of the ships. The Navy will not be able to demonstrate that mission packages integrated with the seaframes can meet the minimum performance requirements until operational testing for both variants [the Freedom and the Independence] is completed, currently planned for 2019.

I repeat: 2019.

I again voice my concern that the Navy plans to purchase many, if not most, of the Littoral Combat Ships in the program before knowing whether the ships will work as advertised and as needed.

The GAO report's bottom line recommendation is to limit future seaframe and mission module purchases until the LCS Program achieves key acquisition and testing milestones that would help make sure that the program delivers required combat capability. I agree completely with the GAO. GAO's concerns are shared by the Pentagon's independent chief tester and even the Navy itself, in an internal report called the ''OPNAV Report'' or ''Perez Report.'' I highly recommend that anyone who has an interest in the Littoral Combat Ship read these reports.

In terms of the costs to national security and to the taxpayer, we simply cannot afford to continue committing unlimited resources to an unproven program that may eventually account for more than one-third of the surface combatant fleet. The LCS seaframe and mission modules are at different points along the acquisition life cycle. We need to put a pause on additional ship purchases and synchronize the plans for testing the seaframes and the mission modules to make sure the Navy is executing a coherent acquisition strategy that will deliver combat capability responsive to what our operational commanders actually need.

Also, the Navy has to lay out a clear top-level plan on how these ships will be used in response to reasonably foreseeable, relevant threats around the world. In other words, it needs to decide the concept of operation—or CONOPS—that this ship class will support. According to a declassified internal Navy report released last Tuesday, ''There are two options: Building a CONOPS''—that means concept of operations—''to match LCS' current capabilities or modifying the ship to better meet the needs of the Theater Commanders.''

The report goes on to say: ''The ship's current characteristics limit operations to a greater extent than envisioned by the CONOPS. . . .'' The second option is to ''modify the ship to support the warfighting requirements. Our review identified opportunities to modify several of the ships' characteristics to more closely align with the intent of the original CONOPS.''

Right now, it seems as though whatever combat capability LCS can muster is driving its mission, not the other way around, as in most ships. In other words, the Littoral Combat Ship appears to be a ship looking for a mission. But just to perform its three currently intended primary missions, the Navy is looking at significant design changes and increasing Littoral Combat Ships' crew size, even though it has already bought about 30 percent of all of the LCS ships it intends to buy. That could increase its procurement and life cycle operation and support costs well beyond current estimates and strain its affordability. Given how many frigates, minesweepers, and patrol crafts the Navy currently plans to retire over the next 5 years in favor of Littoral Combat Ships, this is particularly troubling.

Notably, the Government Accountability Office also reports: ''Current LCS weapon systems are underperforming and offer little chance of survival in a combat scenario.''

In this regard, the Government Accountability Office appears to agree with the Pentagon's chief independent weapons tester. As this top Pentagon official has noted, before proceeding beyond early production, this program should complete initial operational testing and evaluation to determine that it is effective, suitable, and survivable. But LCS is not doing so. Why not? We need an answer to that. If, for whatever reason, the Navy believes it must deviate from that practice, what plan will it put in place to mitigate the resulting concurrency risk?

Let me be clear. To justify the purchase of the remaining 32 ships in the program, the Navy must first provide credible evidence based on rigorous, operationally relevant and realistic testing and evaluation, that this ship will in fact be able to adequately perform its primary stated missions and meet combatant commander requirements. Congress must, at a minimum, thoroughly review this program before authorizing funding in fiscal year 2015 to buy the next four LCS's and require the Secretary of the Navy to certify, on the basis of sound written justification arising from sufficient initial operational testing and evaluation, that the LCS ships will be able to adequately perform their intended missions and provide our operational commanders with the combat capability they need.

The American people are—quite rightly—tired of seeing their taxpayer dollars wasted on disastrous defense programs such as the Air Force's failed ECSS Program or the Army's Future Combat System Program or the Navy's VH–71 Presidential Helicopter Replacement Program. LCS must not be allowed to become yet another failed program in an already unacceptably long list of amorphous acronyms that—after squandering literally billions of taxpayer dollars—have long since lost meaning.

On the LCS program, the Navy must right its course—today.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate recess until 2:15 p.m. to allow for the weekly caucus meetings and that the time during the recess be counted postcloture, with the time charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Thereupon, the Senate, at 12:40 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. BALDWIN).

NOMINATION OF KENT YOSHIHO HIROZAWA TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD—Continued

The PRESIDING OFFICER. Who yields time?

The Senator from Georgia.

Mr. ISAKSON. Madam President, I would like to be recognized for the purpose of making brief remarks.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

WORKFORCE INVESTMENT ACT

Mr. ISAKSON. Madam President, I am pleased to come to the floor—and I will be joined shortly by Senator MURRAY from the State of Washington—to announce that tomorrow in the HELP Committee—the Health, Education, Labor & Pensions Committee—we will be introducing the reauthorization of the Workforce Investment Act.

Quite honestly, the Workforce Investment Act was passed in 1998 and has not been reauthorized in the last 15 years. During that period of time, our country—particularly in the last 6 years—has gone through a sustained period of high unemployment. We also have periods where employers cannot find the match of workers who are actually trained for the jobs they have.

Workforce investment and training is important for those with disabilities, those without jobs, those with skill sets that need to be improved, and this bill addresses all of those areas.

Senator MURRAY has been a tireless Senator in working to find common ground on issues that have been critical to both the Democratic Party and the Republican Party but, more important, to the workers of the United States of America.

I wish to pay tribute to her staff who has worked tirelessly with my staff, and I wish to thank Tommy Nguyen on my staff, in particular, for his dedication and hard work.

This bill represents a real step forward, and I am pleased that this morning the Business Roundtable issued a release of their endorsement of the base bill we are putting forward tomorrow in the committee. Hopefully, it will be on the floor this fall when we return from the summer recess and we can move forward on job training, job opportunity, and lowering the unemployment rate in the United States of America.

In particular, I am very pleased this bill provides flexibility to our Governors in terms of transferability of funds. It provides for business majorities on the board and a business member to be a board chairman and the State chairman could also be a businessperson, which means those who are doing the employing will be those who will be guiding the Workforce Investment Act in their State.

I am also particularly proud of the fact that we focus on a regional approach to workforce investment. So often times, you get so many workforce investment boards in one metropolitan area that you have a very individualized focus and not a regional focus. A regional focus is important for workers. It is important for all of us.

So I am pleased to announce today on my behalf—Senator ISAKSON on the HELP Committee—that along with Senator MURRAY, today we are introducing and tomorrow we will mark up in committee the reauthorization of the Workforce Investment Act.

I look forward to the support of all Members of the Senate to help us do a better job providing jobs for working Americans.

I yield back my time and—no, I do not yield back my time. I can brag about Senator MURRAY while she is here now because I have been saying nice things while she was on her way.

I thank Senator MURRAY for her cooperation, the spirit of cooperation she has given us, and the fact that we are

finally reaching an agreement between ourselves and our staffs. I met with my side this morning. I know the Senator has done the same. We have a good platform to move forward on the first reauthorization of the Workforce Investment Act since 1998.

I defer to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I thank the Senator. Senator ISAKSON has been absolutely great to work with. We have been spending a lot of time on this.

Let me make a few remarks.

Over the past several weeks and months, we have spent a lot of time in the Senate debating everything from the Federal budget to separate spending bills, and throughout those debates Members of both parties have agreed it is absolutely critical that we are working to write laws and policies that put hardworking Americans back to work, help our businesses grow and invest, and position our economy to compete and win in the 21st century.

We have had some disagreement on how to achieve those goals, but as our Nation now recovers from the recession, our first priority has to be getting Americans back on the job. So I wish to join with Senator ISAKSON to talk about the tremendous progress we have made in the HELP Committee; that is, the work to reauthorize the Workforce Investment Act—and to do just that: put Americans back to work.

Before I get to the importance of the bill itself, I do wish to take some time to talk about the bipartisan process we have had at the committee level to move this forward.

From the very beginning of this process I have worked very closely with my Republican cosponsor Senator ISAKSON, whom you just heard from, and though I know we represent very different States with different industries and different issues, we have each remained very committed to writing a bill that works for all American businesses and workers.

This process has never been about scoring political points or pitting interests against each other. I think it has been a rare and needed example of true bipartisan legislating, and I thank my friend Senator ISAKSON, again, for his hard work and commitment throughout this process.

I also wish to thank our committee chairman and ranking member—Senator HARKIN and Senator ALEXANDER—who have both worked extensively on this legislation and have now signed on as cosponsors as well.

It has been 15 years since we first passed the Workforce Investment Act or WIA. But perhaps more important, it has been a full decade since the legislation was due to be reauthorized. So this law—which was first written in the late 1990s—was designed to be changed and updated back in 2003. Since then, as we all know, our country and our economy have changed a lot.

In the late 1990s, the Internet was changing the way we do business and driving our economy, and the housing sector was as strong as ever. But as we all know, unfortunately, both of these industries went bust.

But back then, we in Congress were willing to take the long view and make meaningful commitments to and investments in our workforce development systems. So back in 1998, we wrote and passed the Workforce Investment Act to help our workers and educators and businesses respond to an economy that was changing faster than ever before.

Lately, we have not done much of that, but I am very optimistic that by improving and reauthorizing WIA, we can get back on track. This is the very law that was written to help us respond to a changing economy and provide the framework for our Nation's workforce development system. But it is still written to address the issues we faced more than 10 years ago.

So working with Senators from both sides of the aisle and the business, labor, and education communities, we are bringing to our committee tomorrow a very strong reauthorization bill that brings WIA into the 21st century.

This bill puts more than a decade of experience and data to use by doing a few things. It requires a single unified workforce plan in each State and replaces all the overlap and confusion between separate State agencies.

It recognizes that we need data and analysis to understand which workforce programs are working well, what makes them work well and how to improve them and, just as important, which programs are underperforming, why, and how to fix them. It makes changes to align our workforce systems with regional economic development and labor markets.

This bill is focused on using real-world data to measure the returns we get on our workforce investments, and getting good return on the Federal dollars we invest is exactly what Americans are calling for today.

So while we are making important changes to the existing version of WIA, I wish to finish my remarks with an example of the incredible success this law has already had in helping our economy.

Last year, the WIA adult and dislocated worker programs produced some remarkable statistics. Over 1 million adults and dislocated workers were placed in jobs. Those workers earned more than $12 billion over just the first 6 months of their employment. In that same period, WIA funds spent on those programs came to about $2 billion.

Let me say that again. In just 6 months, an investment of $2 billion yielded a return of more than $12 billion. So the investments we make through WIA programs are having an incredible impact on our economy. The important point is we can do more.

That is why a lot of organizations across the country have called for a modernized 21st century version of the Workforce Investment Act—organizations such as the National Business Roundtable, the National Metropolitan Business Alliance, labor and education leaders, and the Greater Seattle Chamber of Commerce in my home State. All of these organizations are supporting the efforts we have put together.

We are here today to announce to our colleagues that tomorrow we are going to begin marking up our reauthorization bill in committee, and I look forward to continuing working with my colleagues from both sides of the aisle.

In a time when bipartisan legislation has become difficult to achieve, I hope we can set an example of what we are still capable of doing together to strengthen our country and our economy.

I again want to thank Senator ISAKSON and all those who have worked very hard to put this bill together. I am proud of what we have accomplished and look forward to working with him as we move through this process.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE AFFORDABLE CARE ACT

Mr. HATCH. Madam President, I rise today to talk about an epidemic in the American workforce that has wreaked havoc on our labor markets and caused undue hardship for millions of our Nation's workers. I am talking, of course, about the eradication of the 40-hour workweek wrought by the so-called ''Affordable Care Act.''

As a result of this poorly named law, businesses around the country are instituting hiring freezes, downsizing their workforces or reducing worker hours. The President's health law requires employers with 50 or more full-time employees to offer health coverage of a minimum value or pay a penalty. One of the unintended but not unforeseen consequences of the law is that a number of employers are opting to unilaterally limit the number of full-time employees in order to escape this burdensome mandate.

The Affordable Care Act defines ''full-time employees'' as those working at least 30 hours a week. As a result of this odd definition, not every employer seeking to avoid paying penalties is laying off workers. Instead, an increasing number of businesses have opted to simply cap workers' hours. This is happening everywhere. For example, a recent Reuters survey of 52 Walmart stores found that half of the stores were only hiring temporary

workers—something the stores typically only do during the holiday shopping season. According to a recent article in the Washington Times, Walmart has overall increased the share of its temporary staff from between 1 and 2 percent last year to 10 percent this year. Keep in mind that Walmart is our Nation's largest employer. Although the company has denied that this change in policy is as a result of ObamaCare, it is hard to believe this is all just a coincidence.

Small businesses are also being impacted. For instance, there is the example cited recently in the Wall Street Journal where Rod Carstensen, an owner of several Del Taco restaurants in the Denver area, was forced to shift the majority of his workforce from full time to part time as a result of ObamaCare. Mr. Carstensen previously had 180 full-time employees and only 40 part-time workers. But providing benefits for those workers would have imposed as much as $400,000 a year in additional costs. As a result, he is now in the process of switching to 80 full-time and 320 part-time workers, none of whom will work more than 28 hours per week.

As I said, this is happening everywhere. It is stupid. According to a survey conducted by the U.S. Chamber of Commerce, 71 percent of small businesses say the President's health law makes it harder to hire new employees. Among small businesses that would be impacted by ObamaCare's employer mandate, 50 percent say they will either have to cut the hours of workers currently employed full time or replace their full-time employees with part-timers in order to avoid this vicious mandate.

But it is not just happening in the private sector. Public schools, States, and municipalities are also limiting employees to part-time work in order to avoid paying costly benefits. For example, the second largest school district in my home State of Utah recently implemented a policy limiting part-timers to 29 hours a week. According to the Washington Post, this impacted roughly 1,200 employees—mostly substitute teachers. That is 1,200 employees in a single school district who will see their hours and their wages capped as a result of ObamaCare. Likewise, the State of Virginia recently enacted a policy reducing the hours for as many as 10,000—10,000—part-time employees who until recently worked more than 30 hours a week. Offering coverage to these workers would have cost the State as much as $110 million a year. Understandably, rather than paying those crippling costs, Virginia was forced to reduce workers' hours and therefore their pay thanks to the demands and the viciousness of ObamaCare.

As I stated, this is reaching epidemic levels. It makes you wonder what is in the brains of those who support ObamaCare.

Nationwide, employers have added far more part-time employees in 2013—averaging 93,000 a month—than full-time workers, which have averaged 22,000. Last year the reverse was true.

It is not just businesses that are noticing this epidemic. Labor unions—some of the largest supporters of the law when it was originally drafted—have also weighed in on the matter. As was widely reported earlier this month, the leaders of three prominent labor unions sent a letter to the Democratic leaders in both the House and the Senate expressing their concerns about some of the unintended consequences of the ''Affordable Care Act.'' One of their major concerns was that, in their own words:

> The law creates an incentive for employers to keep employees' hours below 30 hours a week. Numerous employers have begun to cut workers' hours to avoid this obligation, and many of them are doing so openly. The impact is two-fold: fewer hours means less pay while also losing our current health benefits.

According to these union leaders, ObamaCare threatens to ''destroy the foundation of the 40-hour work week that is the back bone of the American middle class.'' I could not agree more with that.

President Obama is apparently starting to feel some of this pressure. Indeed, despite his recent efforts to paint a rosy picture of the impact of the health care law, I think President Obama knows full well that the ''Affordable Care Act'' is not living up to its name. Why else would he decide to delay the implementation of the employer mandate, as he did earlier this month? Obviously, there are political considerations. The recently announced 1-year delay on the employer mandate conveniently puts the implementation of the mandate past the 2014 midterm elections, so from that perspective I guess it makes perfect sense.

Setting aside the politics, this delay also makes some sense in terms of policy. The epidemic of employers reducing workers' hours is taking a huge toll on the American workforce. Indeed, the policies established under the health law are killing jobs, reducing wages, and stagnating growth. That being the case, the bigger question is, Why is the President only delaying the employer mandate for a single year? Does he really believe these problems will simply go away if businesses have 1 additional year to prepare or is he just thinking to get to the next election and getting his people through who have voted for this?

Regardless of when this mandate goes into effect, it is going to send shock waves throughout the business community. It is going to eliminate jobs. It is going to weaken our recovery—weak though it is today. That is why, despite the announcement of the 1-year delay, employers throughout the country are refusing to reverse course when it comes to downsizing their workforces and limiting employees' hours. Most news reports surrounding this issue are showing that this is precisely the case. That is likely the case for the State of Virginia. It is definitely the case for my home State of Utah and Utah's Granite School District, just to mention one aspect of our problems in Utah.

If the President is serious about getting our economy back on track, he should work with Congress to ensure that this mandate never goes into effect. While we are at it, we should also permanently delay the individual mandate. For the life of me, I cannot see why President Obama would extend his limited lifeline to the business community and at the same time leave individuals and their families out in the cold. This is from a President who claims he is for the families and for the individuals and for the poor and for those who are middle class. They are being left out in the cold.

If businesses are currently facing enough difficulties to necessitate delaying the employer mandate, shouldn't we assume individuals are going to face similar difficulties complying with the individual mandate? Isn't it only fair that we extend the same benefits to individuals and families that are being offered to businesses and employers? Why not get that beyond the next year's election too? Not according to the Obama administration. As it stands today, American businesses will get a 1-year reprieve from the job-killing employer mandate—American businesses. But the American people are still squarely in the sights of ObamaCare, as the individual mandate for them remains in place. This is the height of unfairness. It needs to be rectified.

The House of Representatives for its part has acted responsibly. Two weeks ago the House passed two pieces of legislation—two pieces relating to ObamaCare. The first bill would simply codify President Obama's 1-year delay of the employer mandate. The second would provide similar relief to individuals and families struggling to comply with the individual mandate. Not surprisingly, President Obama has threatened to veto both bills—even the one that would simply put his own administration's policy into statutory form.

Still, that should not stop us in the Senate. If we are serious about helping the business community as well as individuals and families, we should work to delay permanently this catastrophic law. If President Obama wants to officially deny the American people the same type of relief he has given to the business community by not working with Congress, then so be it. The Senate needs to act responsibly. If the President is refusing to do the same, we ought to at least act responsibly.

Make no mistake—I do not think a 1-year delay on the employer and individual mandates is enough. We ought to get rid of them both. I am the author of two Senate bills that would repeal both of these egregious provisions of ObamaCare. In light of the President's recent recognition that the employer mandate should be delayed, I

have publicly called for a permanent delay of the implementation of the entire law.

Given what we know about the problems associated with ObamaCare and, quite frankly, given what we do not know, the sensible approach is to delay it permanently and to work together on reform that will actually lower health care costs—not just promise to do it but actually do it. I believe we can fix these problems for everyone, for employers and for individuals alike, but only if the law is permanently delayed to give us a chance to do so. It would give us a chance to be bipartisan for a change around here and work together for the good of this country. That is what makes sense. That is what fairness dictates. If we are serious about avoiding what even some of my Democratic colleagues have called a train wreck, that is the least we can do.

I am really concerned about our country. We have increased taxes $1 trillion in ObamaCare. We have increased taxes $600 billion in the fiscal cliff legislation. Last week the majority leader and others—the President, Senator SCHUMER, and others—called for almost $1 trillion more in tax increases. It would be one thing if all of that money would go to reduce spending or if all of that money would go to balance our budget. But no, they are going to spend every dime of it. Here we are, headed toward problems that we have plenty of illustrative information on, problems like Greece has gone through and is going through and other countries as well that just are profligate when it comes to their economic wherewithal.

I like the President personally, but for the life of me, as bright as he is, I do not see why he does not see all of this.

I don't see why my colleagues on the other side don't see it—or should I say they ought to see it. They ought to know this is not what the American people want. They would like to have health care, there is no question, but this is going to diminish health care all over the country. We can see the high percentage of doctors who are giving up on Medicaid patients. They will not take them anymore. Only this week a high percentage of doctors are giving up on Medicare patients. They don't wish to take them anymore.

What is the administration's answer to all of these spending programs? They are going to cut the providers. Already the providers—the doctors, the hospitals, and the health care providers—are complaining they can't deliver the services that ObamaCare requires at the low-level costs that ObamaCare gives.

We have to come up with a better system. We have to work together. We can't keep going down this pathway.

I hope my friends on the other side will wake up and realize: Hey, this game is over.

We have to find some way to solve these problems because they are just too large. They are going to wreck our country if we don't.

What is worse, they are going to hurt the health care of millions and millions of people who will not be able to afford it.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Republican whip.

Mr. CORNYN. Madam President, sitting here listening to the distinguished senior Senator from Utah Mr. HATCH, who in many ways I consider my mentor in the Senate, I couldn't help but reflect on what we were all doing on Christmas Eve at 7 o'clock in the morning of 2009.

We were on the floor of the Senate casting a historic vote on the President's Affordable Care Act, or ObamaCare. Sadly, that piece of legislation became a partisan exercise in power. All the Democrats voted for it and all the Republicans voted against it. It was an inauspicious way to start such an important part of reform of our health care system.

The President pretty well got what he wanted. The 2,700-page piece of legislation was made into law with $1 trillion-plus tax increases, with promises that if you like what you have, you can keep it, and he promised that even families of four could see a reduction in their health care costs of roughly $2,500 a year.

Whether you were against ObamaCare from the beginning, as I was, because you never believed it would actually work, or you were for it and you actually believed that it would perform as advertised and as promised, I think everyone has to now acknowledge it has not turned out the way that even some of its most ardent supporters had hoped it would.

The first indication, perhaps, was when the Secretary of Health and Human Services began to issue waivers, in excess of 1,000 waivers, from having to comply with the law itself. There were many questions about the basis upon which these waivers were issued. Were they given to friends of the administration and denied to adversaries of the administration?

This is what happens when you pass a sweeping piece of legislation such as this and then cherry-pick who it applies to and who it does not apply to. This started with the granting of waivers.

We found that most recently even the President of the United States has determined the employer mandate—the mandate on employers with more than 50 employees, that they provide this government-designed insurance policy or else they get fined—that even the President has acknowledged by his action that delaying the implementation of the employer mandate for a year is having a devastating effect on unemployment in America. The reason we know this is because many employers are simply shedding jobs so they can get beneath the 50-person threshold for the employer mandate or they are taking full-time jobs and making them into part-time jobs. This is causing a lot of people who wish to work and want to provide for their families—it is creating an inability for them to do so according to their needs.

We know the individual mandate—the House of Representatives has passed a piece of legislation that says: If you are going to delay the employer mandate for businesses, shouldn't you show the same consideration for individual Americans who, unless they buy this government-approved insurance, will have to pay a penalty? The President hasn't accepted that delay in the implementation of the law.

There is another important piece of legislation that I filed in the Senate that the House is also considering this week; that is, given the scandals associated with the Internal Revenue Service, the fact that clearly the IRS has more on its plate than it is capable of adequately performing, we ought to get the Internal Revenue Service out of the implementation of ObamaCare.

With everything else it has to do, especially given the scandals that are currently under investigation in both Houses of Congress, we ought to be delaying the implementation of that individual mandate. We ought to be delaying the implementation of the employer mandate. We ought to be cutting the IRS out of the implementation process for ObamaCare.

I confess, I voted against ObamaCare from the very beginning. I voted to repeal it every chance we could possibly have, and I voted to cosponsor legislation that would defund it.

I wish to echo some of the words of the distinguished senior Senator from Utah. At some point those of us who were against it from the very beginning, who would like to repeal it and defund it, have to work together with our colleagues—who perhaps hoped that it would actually work as advertised—realizing now that even organized labor is writing letters to us saying: Please protect us from the provisions of this law because it is hurting our jobs. It is making it impossible for to us keep the insurance we have.

We need to work together to try to come up with a solution at some point. As the distinguished ranking member and the distinguished Finance Committee chairman said: The implementation of ObamaCare is clearly becoming a train wreck. We don't want to visit the pain of that train wreck and that failure on the American people but provide them a reasonable alternative which will provide people access to high-quality care at a lower cost. There are plenty of great ideas out there.

THUD APPROPRIATIONS

I wish to turn to the appropriations bill that is pending before us. Last week, in one of the President's much publicized pivots, the President turned his attention back to the economy. Of course, most Americans don't have the luxury of pivoting to or from this sluggish economy, which is growing at the

most sluggish rate in the history of the American economy since the last depression, the Great Depression. The American people don't have a luxury of pivots. They have to live with this sluggish economy and high unemployment day after day.

We should welcome the President back to this conversation. He has talked a lot about middle-class families, who, as we all would agree, are the backbone of our country and a source of immeasurable strength. That said, the President hasn't been a member of the middle class for some time, and I think he, along with some of our colleagues, could use a refresher.

American families set their budgets, and they have to stick with them. In lean times they trim their budgets, and in times of plenty they set money aside for the future should they need it. Astonishingly, this basic principle seems to have been lost on both the President and the author of this legislation.

This bill, this underlying appropriations bill, takes the first step toward violating the Budget Control Act, which President Obama himself signed into law in 2011. That law sets very clear limits on spending levels, which the Democratic majority, by bringing this bill to the floor, has chosen to ignore.

They ignored it when they wrote their budget earlier this year, and they are ignoring it today with this proposed appropriations bill, which is 11 percent above the Budget Control Act numbers and 4 percent above the President's own proposed budget itself. That is $54 billion. That is how much this bill would appropriate in discretionary spending and is more than $5 billion above the current level of spending for this particular appropriations bill.

As I said, it is more than the President himself has requested. It is more than $10 billion above the House bill which, unlike this bill, was written in accordance with the existing law.

I understand, as a negotiating tactic, why our Democratic friends might think highballing the House bill is a good negotiating tactic, but it is a total charade. It violates the Budget Control Act, and the American people simply will not go along with it.

The American people can't understand why Congress and the Federal Government are having such a difficult time doing with 2.4 percent less than we spent before the Budget Control Act went into place—2.4 percent. Yet here inside the beltway you will hear people talk about the so-called sequester and the Budget Control Act as if it were the end of the world.

It is not. It is called living within your means, and that is what we tried to do when the law was passed and when President Obama signed it. I think it is also telling that the majority leader, who basically controls the agenda on the Senate floor, chose to bring this particular bill to the floor before the August recess. We could have passed any one of a number of other appropriations bills to fund our veterans hospitals or to pay our Border Patrol agents.

The House and Senate aren't very far apart on the appropriations bills that would do that. Conceivably, we could have had them on the President's desk by the end of this week. Instead, the majority leader would rather leave them in limbo while attempting to pass this bloated bill which has zero chance of becoming law.

My hope is that as we proceed through this next round of fiscal debate, our friends on the other side of the aisle would demonstrate a willingness to operate within the law and the Budget Control Act. Unfortunately, they are not off to a very good start with this particular appropriations bill.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER (Mr. MANCHIN). Without objection, it is so ordered.

FOR-PROFIT COLLEGES

Mr. DURBIN. Mr. President, Jennifer Kerr was a single mom who wanted to improve her family's future. In 2009, she signed up at Vatterott College. She thought that was the best way to improve her skills and training and do a better job for her family.

She went to the local campus. She told the admissions representative that she wanted to study to become a nurse. The admissions official told her that although the school did not offer a nursing degree, it did offer a medical assistant's degree that would allow her to earn $15 to $17 an hour and put her on a fast track to becoming a nurse.

After securing more than $27,000 in loans and being in the program for more than a year, Jennifer Kerr learned she wasn't even enrolled in the medical assistant's program—she was in the preliminary medical office assistant's program. If she wanted to continue and pursue the medical assistant's degree, she would need another 30 weeks of study and another $10,000 to be paid in tuition.

In a gutsy move, Jennifer Kerr sued Vatterott Education Centers for misleading her, even though there was a clause in her contract with the school that said if she ever sued the school and lost, she would be responsible for Vatterott's legal costs.

A jury in Missouri decided the school did deceive Jennifer Kerr and ordered the company to pay back the $27,000 she borrowed for tuition and fees. The jury then ordered the company to pay Kerr an additional $13 million in punitive damages. The punitive amount the jury awarded far exceeded the maximum under Missouri law, but it showed the sympathy of the jury for situations like Jennifer Kerr's. She borrowed tens of thousands of dollars to earn a certificate—not even a degree—at a for-profit school that turned out to be virtually worthless.

After she left Vatterott, she tried for 6 months to find full-time employment. Earning her medical office assistant's diploma not only put her in debt, but it couldn't land her a job anywhere.

Taking away the court victory, Jennifer Kerr's story is common to an industry—the for-profit school industry—that frequently uses unscrupulous tactics to deceive people who are trying to get an education.

Some trade schools provide quality training for reasonable prices. I acknowledge that. But throughout the for-profit college industry, abuses are well documented. Admissions offices at for-profit schools are often a guise for aggressive sales operations targeting students from low-income families. They end up enrolling, with inflated expectations for their employment and salary prospects upon graduating from for-profit colleges.

Because 96 percent of the students who enroll in for-profit colleges take Federal student loans, nearly all the students who leave these for-profit schools have student debt even when they don't have a degree or a diploma that can lead to a job. Most for-profit colleges charge significantly more in tuition and expenses than similar programs at community colleges or even State universities.

In 2008 and 2009, more than 1 million students started at schools owned by for-profit companies that were examined in an investigation by Senator TOM HARKIN in the Senate HELP Committee. By mid-2010, 54 percent of those students who started at these for-profit schools had left school, without a degree or a certificate. Among associate degree students, 63 percent dropped out without a degree.

Vatterott made national news itself in 2009 and early 2010 when three of the top employees of this for-profit school in the Midwest, including Kevin Earl Woods, the former director of the Kansas City campus, pleaded guilty to a conspiracy to fraudulently obtain Federal student grants and loans for students who were ineligible for these loans.

The Senate HELP Committee looked at Vatterott in the course of Chairman HARKIN's investigation of the for-profit industry. What they found was discouraging. In 2009, 88 percent of the revenue going to this for-profit school was Federal money. Of the money it took in, Vatterott spent 12.5 percent on advertising and marketing and took out 19 percent of this Federal money in profit.

Here is another way to look at it: Vatterott, a for-profit school, spent $2,400 per student on instruction in 2009, but it spent $1,343 on marketing, and $2,000 it took out in profit for each student.

In contrast, public and nonprofit schools generally spend a higher amount per student on actual instruction. By comparison, St. Louis Community College spent $5,000 per student on instruction; Vatterott, $2,400.

Jennifer attended the Vatterott campus in Independence, MO, which is now closed, but the company continues to operate a Kansas City campus. The default rate on loan repayment for students who attended Vatterott in Kansas City is 25 percent. One out of four students who went to this for-profit school defaults on their student loans. The national average is 15 percent.

Jennifer Kerr fought back and won, but the for-profit college industry won't be cleaned up in the courtroom. Not every student with a bad experience has a strong legal case. Most are victims of a system that allows unscrupulous schools to collect Federal loan and grant money from students regardless of outcomes, heaping debt on these students. Many of those students will carry that debt for a lifetime.

When the programs and the schools don't deliver and jobs don't materialize, the student gets the debt, the Federal Government bears the risk, and the school takes the money and runs. The for-profit sector took in $31 billion in U.S. Department of Education money in 2011. About one-fourth of all the Federal aid went to these for-profit schools, even though they only enroll 12 percent of all the students coming out of high school.

I might add one other statistic. The for-profit schools account for 47 percent of all the student loan defaults in America—12 percent of the students, 25 percent of the Federal aid to education, 47 percent of the student loan defaults.

Federal U.S. Department of Education regulations state that schools that engage in substantial misrepresentation about a program, its fees, or its job placements can be denied Federal money, and yet Vatterott is not the first or the only school to substantially mislead these students.

Abuses in the for-profit college industry will continue until Congress steps up and does something. It is about time for us to establish some standards of accreditation that apply to all schools across the board. How can you expect a student or a student's family to know whether this school that is advertising on the Internet or in the buses or on the billboards is a real school or a phony operation to lure kids into debt, have them drop out or end up with a worthless diploma?

I have worked with my colleagues who feel as I do on this issue. Senators TOM HARKIN and JACK REED, among others, will continue to tell these stories here on the floor of the Senate in the hopes that when the Senate has its higher ed reauthorization bill we will finally tackle this for-profit school industry.

Last Congress, Senator TOM HARKIN joined me in introducing a bill that would include military education benefits in the calculation that limits how much of a school's revenue is derived from Federal funding. Today I announced the VA and Defense appropriations bill for the next fiscal year. It was reported out of my subcommittee of the Senate Appropriations Committee. We called in the representatives of the major services and asked them what is going on with the training of our active servicemembers and their families. What they told us is more than half of those active servicemembers and their families are going to these same for-profit schools. Some are good. Most are awful.

These military men and women and their families are not only wasting their time, they are wasting a once-in-a-lifetime opportunity we give them for the proper training and education to prepare them to be even better in the military or to have success in civilian life. Because they are lured into these for-profit schools, they end up wasting their time, wasting their money, many of them deeply in debt.

Senator HAGAN of North Carolina has proposed banning schools for using Federal education dollars for marketing. She is right. Many for-profit schools literally take the Federal money to bombard students with messages that entice them to enroll, bringing the schools more Federal money.

I also want to take a look at the system of accreditation. Our current system provides a seal of approval for too many schools, many of them for-profit colleges, that is little more than a license to rake in the Federal dollars as opposed to truly educating and training students. I hope Jennifer Kerr's court victory can serve as a wake-up call to Congress so we can work together to correct the worst abuses of this system. On behalf of the taxpayers, we need to be better stewards of Federal education money. On behalf of the students, we have to improve a system that may or may not prepare them for a career and may or may not lead to a degree, but almost in every case leads to debt.

DIETARY SUPPLEMENTS

Mr. President, last week USA Today published an article that highlights the stories of people and families hurt by taking a dietary supplement containing the chemical DNP. It is a hazardous pesticide that was used as a weight-loss drug before 1938. Then the FDA declared it to be toxic for humans—in 1938, 75 years ago.

The article in USA Today featured Matt Cahill, a dietary supplement manufacturer with a high school education and no chemistry training, who illegally added this toxic pesticide, DNP, to exercise and weight-loss supplements. Some people who used his product suffered liver failure; some died. Cahill was arrested, criminally prosecuted, and served time in prison, but he is back selling dietary supplements that raise more health concerns.

The article in USA Today raises serious questions about whether we can do better to protect the American public. Dietary supplements have become a common health aid in medicine cabinets. More than half of Americans use dietary supplements, and you may be one of them. Most supplement makers are ethical and responsible. I take a multivitamin every day and believe it is safe. But most people assume that supplements on the shelves in stores have been tested by the Federal Government. How could they get on the shelf without a test? Most people think, like drugs that are prescribed, these supplements are tested for safety and effectiveness. That is not true.

Unlike more traditional supplements such as calcium and vitamin C, there are now many new and complex supplements on the market promising to help people lose weight, find energy, bulk up, prevent disease—you name it. Consumers need to be careful. If a product is promising something too good to be true, they need to make sure the product and its ingredients are safe. We need to know the information on the label is not misleading. The FDA, the Federal Drug Administration, needs to know more about these products.

This week Senator RICHARD BLUMENTHAL of Connecticut and I are reintroducing the Dietary Supplement Labeling Act. Listen to what this bill would require. This bill would require more information on labels of dietary supplements and it would help ensure that the FDA has the information it needs if it turns out any of these products are dangerous.

Many people would be surprised to learn that the FDA does not know—does not even know—how many dietary supplements are being sold in this country. The USA Today article clearly states that when this Cahill character first sold his harmful dietary supplement tainted with DNP, he sold it on line. The FDA had no idea it was even on the market.

How does FDA learn when a product is on the market? People get sick and they die.

Another example is kava, a root whose extract people take to alleviate anxiety. But now that we know that kava is associated with severe liver damage and death, it would be useful for the FDA to have information readily available about the products on the market in America today containing kava. Our bill would require dietary supplement makers to give the FDA the name of each supplement they produce, along with a description of the product, a list of ingredients, and a copy of the label. Is that too much to ask? If you are going to sell this dietary supplement in stores across America, shouldn't the Food and Drug Administration at least have a copy of the label and ingredients? With this information, the FDA would know what products are on the market, what ingredients are in them, and be able to work with supplement manufacturers to address any problems.

This is a commonsense provision. It is supported by the Consumers Union

and already practiced by many responsible supplement makers. Let's ask all the companies to provide FDA this basic information.

In addition to asking manufacturers to tell the FDA when a product goes on the market, this bill would require more information on the label of these products. Some ingredients may be safe for the general population but not for kids or pregnant women or perhaps those who have a compromised health condition.

St. John's wort is used safely by many people, but it can cause serious side effects in people who have ADHD or people who are bipolar, or people who are undergoing surgery. Information like that should be clearly listed on the label. This bill would help to ensure the information necessary to make an informed decision by consumers.

We have all seen claims in supplement stores. I was in Olney train station Saturday night with my wife and went into one of these dietary supplement stores and the shelves were packed with all of these products claiming all of these things. Some of them promised they will boost your immunity, enhance your athletic performance or make you a better husband. This bill would give the FDA the authority to require the manufacturer to provide upon request the evidence to support claims such as ''promotes weight loss.''

Consumers should be skeptical of any product making big claims and they should take the time to learn if the product is safe and effective. But we need to give the FDA the authority to request evidence to support any claims made on these labels.

The bill would also help curb the growing practice of foods and beverages with potentially unsafe ingredients masquerading as dietary supplements by directing the FDA to establish a definition for ''conventional foods.''

I will challenge you, whether it is West Virginia or Illinois or Washington, DC, or your home State, go to the cash register at a gas station. What is the first thing you see next to the cash register? Energy supplements, those little red bottles. They are everywhere. Products such as energy drinks, the huge one in 24- and 32-ounce cans, and baked goods, such as Mellow Munchies brownies, that contain unapproved food additive melatonin are marketed as dietary supplements that are safe ways to get a boost of energy or to relax. In reality, they are foods and beverages taking advantage of the more relaxed regulatory standard for dietary supplements.

Here is a quiz. Did you know the Federal Drug Administration regulates a food product known as cola? You pick it, Pepsi, Coca-Cola, you name it. Did you know the Food and Drug Administration, in regulating that product, regulates how much caffeine they can put in each bottle? They do. But when it comes to the monster energy drinks. And you ask what are the limitations on caffeine in monster energy drinks? None, nada.

A sad case here, recently, in Virginia, a girl, 15 or 16 years old, two 24-ounce high-powered energy drinks in a 24-hour period of time, and she died. She died from two energy drinks. Way too much caffeine for a person her age and her size.

I am working with Senator BLUMENTHAL to try to get the FDA to establish some standards here. These are not benign products. They are certainly not benign products for young people. If they are consumed in quantity, they are dangerous. People get sick and people die. I have had press conferences in Chicago with emergency room physicians. You would be shocked to know how many people show up having taken these energy drinks, consumed too much caffeine, and are worried they are about to die. That is a reality. It is time for us to establish some standards to protect consumers and families.

Most dietary supplements available today are safe and are used by millions of Americans as part of a healthy lifestyle. As I said, and will repeatedly, I take my fish oil, I take my multivitamin. I do not believe I should have to get a prescription to buy them. But we also need to recognize how the regulation of supplements can be improved to protect the public in America. In the USA article, a representative from the U.S. Antidoping Agency, a nonprofit designated by Congress to oversee testing of those who participate in the Olympics, said that companies like Matt Cahill's ''. . . are not fringe players. These are mainstream dietary supplement companies and products that are in your mainstream health and nutrition stores. . . . It's not there are a few bad actors. There are a lot of bad actors.''

Ensuring the health of consumers from these bad actors will take cooperation from the responsible people in the dietary supplement industry, the Federal Drug Administration, and Congress in both political parties.

Senator BLUMENTHAL and I have put in a bill which includes commonsense steps to make sure risks for supplements are on the label, products are registered with the FDA, and manufacturers can be forced to back up their big claims. I look forward to working with my colleagues to enact that legislation.

I yield the floor and suggest the absence much a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. LEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

I also ask unanimous consent to speak as if in morning business and to be permitted to engage in a colloquy with my Republican colleagues.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oklahoma.

Mr. COBURN. Mr. President, reserving the right to object, and I don't intend to object, I would like to modify his unanimous consent request and ask that I be permitted to speak for 15 minutes after his colloquy.

The PRESIDING OFFICER. Without objection, it is so ordered.

OBAMACARE

Mr. LEE. Mr. President, I rise in support of parents, families, students, employees, taxpayers, and other hard-working Americans, who, as of January 1, 2014, will find themselves unfairly impacted by ObamaCare. ObamaCare is an ill-conceived, poorly crafted, and economically damaging piece of legislation.

We have known for some time now that ObamaCare would create a set of circumstances that would make health care unaffordable. It is unaffordable from several standpoints: No. 1, for the country and for the U.S. Government. The Congressional Budget Office, a nonpartisan entity, recently reported that this law is likely to cost the U.S. Government about $1.8 trillion over the next 10 years. That is significantly more—some would say roughly double—than the initial estimates given to Congress when this law was passed.

This is an enormous amount of money. It is an especially enormous amount of money for a government that is now $17 trillion in debt and is adding to that debt at a rate of about $1 trillion every single year. It is not as though we have an overabundance of money within the Federal Government. It is not as though we can afford to take on newer, more expensive programs, such as this one, especially when they run pricetags that are substantially above and beyond what was presented to us.

It is also proving to be unaffordable for American families. There are a number of studies that have been conducted in recent months which tell us that premiums are going to become more expensive. The name of the law, of course, was the Patient Protection and Affordable Care Act. This implies, of course, this would protect patients and make health care more affordable, not less. What we found is that this is a misnomer. What we have found through the studies that have been released recently is that it is going to make health care less affordable for American families, not more affordable.

The interesting thing about these studies is that they are all over the map. We don't know exactly how much health care is going to cost us. We don't know exactly how much less affordable health care will become under the Affordable Care Act because there are so many uncertainties created by this law. The 2,700-page bill that became ObamaCare has been modified and will continue to be modified by countless pages—tens of thousands of pages of regulations.

This act has also been modified in significant ways on a couple of occasions, which we will get to in a minute. All of these modifications have created additional uncertainty that is a source of a lot of concern to a lot of Americans. What we do know is that it is likely to result in premium increases.

One study concluded that even on the low end, the increased premiums families would be paying in a small group premium context would go up between 13 and 23 percent, on average. Other studies—including one that was conducted in the State of Indiana—suggested that premiums would go up in that State by 72 percent for those with individual plans. I am told Maryland's biggest health insurance provider has proposed raising premiums for individual policies by an average of 25 percent next year.

In many instances, these numbers are even worse for young people. There are also numbers which suggest that there is a lot of uncertainty, and we truly don't know. It is almost impossible to know. An analysis of more than 30 studies has shown that premiums are likely to increase between 145 and 189 percent for young people seeking health insurance. In Utah, my State, there is a study suggesting that for young people seeking health insurance, their premiums are likely to increase between 56 and 90 percent with respect to individual policies.

This law is also bad for America's workers. Businesses are cutting hours, moving workers to part-time, and in many cases they are not hiring at all.

According to a recent U.S. Chamber of Commerce survey, 74 percent of businesses will fire employees or cut hours; 61 percent will not hire next year.

Daniel Kessler, who is a professor of law and business at Stanford University, has predicted that 30 to 40 million Americans will be directly harmed by ObamaCare through higher premiums, stiff penalties, cutbacks in hours, and job losses.

We have known for some time—as a result of these studies—that ObamaCare was going to make health care unaffordable. We now know it is also going to be fundamentally unfair. The President recently admitted the law is not ready for prime time. He admitted he is not ready to implement the law as it has been written. Because ObamaCare was so poorly crafted, he simply is not going to enforce it the way it was crafted. He is going to selectively enforce its provisions.

Most important, the President of the United States has said that while he is going to require hard-working Americans, individuals, to comply with the law's individual mandate. According to one recent study, only 12 percent of the American people actually support that provision today. However, he is going to implement and enforce that provision, but at least for the first year of the law's full effect next year, he will not be implementing or enforcing the employer mandate. So hard-working Americans have to comply but big business does not have to comply.

This is significant because the law doesn't give the President of the United States the power to rewrite the law. The law sets forth a specific set of timelines, a specific set of deadlines that cause the law's various provisions to kick in. This did not give the President the authority or the discretion to decide which among the law's several provisions could be favored or disfavored by the President of the United States.

So we have hard-working Americans, individuals, and families on the hook, and we have big business being thrown a big bone. This is not fair. This is not something that is consistent with the rule of law. This is not something the American people ought to tolerate.

The Affordable Care Act, as it is called, will shatter not only our hard-earned health benefits, but in many instances it will destroy the foundation of the 40-hour workweek that has become the backbone of the American middle class. It will do all of this in a way that will contribute to or be part of a system of selective unfair enforcement.

The American people deserve better. The American people demand better. The American people deserve not to have this law implemented and enforced if, as the President of the United States has told us, it is not ready for prime time. Then it is not ready to be implemented.

I ask of my friend and colleague, the distinguished junior Senator from Florida, how he feels about this and how the people in the State of Florida feel about the selective implementation and enforcement of a law that Americans already knew would be unaffordable and a law they know will also be unfair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. RUBIO. Mr. President, I thank the Senator from Utah for organizing this effort.

Let me answer that question by coming up with a couple of things we can find consensus on. First of all, I think all of us agree the American middle class is one of the things that make us exceptional. All the countries in the world have rich people. Unfortunately, every country in the world has people who are struggling. But what has made America unique and different from all of these other countries is that we have a vibrant middle class. We have people who work hard, make enough money to own a home, take their kids on vacations, save for college expenses, and kind of fulfill many of their dreams.

I grew up in that environment. I tell people all the time I didn't have everything I wanted, but we always had everything we needed. Through hard work and sacrifice my parents became part of that great American middle class—working-class Americans who had the opportunity to give us the life they never had.

I think we can all agree the middle class is very important for America because it is one of the things that makes us exceptional, unique, and sets us apart from the rest of the world. Quite frankly, one of the reasons why people want to live here and love being in America is because it creates those opportunities.

What strengthens the middle class? We are having a debate about that in this country. Is it a bunch of government spending? Is it a bunch of government programs? Is it the Senators? Is it the President of the United States? The answer is no. What rationally makes the middle class possible and vibrant is jobs that pay middle-class salaries. What makes it possible is that we have jobs that pay that kind of money so people can join the middle class and give their kids a better life.

Where do those jobs come from? Do they come from the government? Do they come from the White House? Do they come from the Senate or from our laws? They don't. They come from a vibrant private economy that is creating those jobs. How those jobs are created is not that complicated. People have to start new businesses or grow a business that already exists. Those are the two primary ways in which middle-class jobs—in fact, most jobs—are created outside of government. That is the only place where we will find the kind of growth we need for a vibrant middle class. We should analyze every issue before this body through the lens of the middle class and through the lens of whether it makes it easier or harder for someone to start a business or grow an existing one.

Let's examine what the Senator from Utah just asked about ObamaCare in the context of what I just explained. The answer is that it is clear ObamaCare makes it harder for people to start a business or grow an existing business for a number of reasons the Senator has pointed out. No. 1, it has an incentive for businesses not to grow. It tells a business owner that if they have more than 50 full-time employees, they will have to meet a set of rules which will make it very expensive for them to start a business or grow an existing business.

The other thing it creates is a tremendous amount of uncertainty. It goes back to the point the Senator from Utah raised. These laws are being canceled on a whim. The President is deciding to enforce one part of it but not another part of it. That creates confusion.

Imagine if a person has a business and some money set aside to grow, that business owner doesn't know how much it is going to cost to grow. You know what they do? They don't grow the business. As a result, those jobs are not created.

How about the cost of that insurance, which is an issue the Senator from Utah talked about a moment ago. Yesterday in Florida the commissioner of insurance said that in the individual

marketplace in Florida next year—because of ObamaCare—rates are going up 30 to 40 percent. Ask yourself: Does that make it easier to start a new business or does it make it harder? Does it make it easier to grow an existing business or does it make it harder?

Think about the impact all of this uncertainty is going to have on middle-class workers. Add to that the following: Right now there is an incentive to have part-time workers. That is why we are reading everyday in the newspapers that company X is moving people from full-time to part-time. Companies are moving employees to less than 30 hours so they can avoid the penalties in this bill.

How about insurance? Let's say a person works somewhere that has insurance and they are happy with it. This law might require the employer to put that person on a new insurance or move that person to a government exchange, which means that doctor that worker has been dealing with for 10 years who knows their case history might not be their doctor next year because of ObamaCare. The result is we have a holding pattern.

Businesses in America, the people who create the middle-class jobs, are in a holding pattern and waiting to see which direction this goes, but they are all headed in a poor direction because of this.

So when the Senator from Utah talked about this and asked the question: What impact is the Senator hearing, that is what I am hearing. I am hearing that this law makes it harder for people to create jobs. This bill is going to make it harder on the middle-class jobs. It is going to make it harder for middle-class jobs to be created because it makes it harder to start a business and makes it harder to grow an existing business.

I imagine the Senator from Utah has heard similar concerns in his own State. The Senator from Texas has joined us, and he is from a State even larger than mine. I am sure he will share his input on what he is hearing from his home State and from people across the country.

I say to my colleague that is what I have been hearing from my constituents everywhere I have been going in Florida for the last 6 months.

Mr. INHOFE. Will the Senator yield for a unanimous consent request? I understand the Senator has the floor until 4:30 p.m.

Mr. President, I ask unanimous consent that I be recognized at 4:30 p.m.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, reserving the right to object, I understand the leader is going to make a request.

I wonder if the Senator would withhold his request for a couple of minutes.

Mr. INHOFE. Mr. President, I withdraw my request. I am willing to use time perhaps tomorrow.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, I see we have been joined by my friend and colleague, the Senator from Texas. I wish to ask him if his observations from his interactions with his constituents in Texas have been similar to those that have been shared today by the junior Senator from Florida.

Mr. CRUZ. Mr. President, I wish to thank the Senator from Utah for his leadership on this issue.

I am proud to stand with Senator LEE, Senator RUBIO, and with so many others. I can tell my colleagues that in the State of Texas, Texans overwhelmingly understand that ObamaCare isn't working, that this legislation is failing and it is hurting the American people.

When we look at jobs, there is no legislation currently in effect that is damaging the economy more or damaging jobs more than ObamaCare. In direct response to the law, 41 percent of small business owners have held off plans to hire new employees. Thirty-eight percent said they pulled back on plans to grow their businesses. The U.S. Chamber of Commerce reports that 71 percent of small businesses say ObamaCare makes it harder to hire workers.

Beyond that, one of the most pernicious aspects of this law is that it is forcing more and more employees to be moved to part-time employment, to be moved to working 29 hours a week or less to get out of the ObamaCare 30-hour threshold.

In 2013, employers have added more part-time employees, averaging 93,000 a month, seasonally adjusted, than full-time workers. And it is important to understand who it is that is moved to part-time work, who it is that is hurt by ObamaCare. It is the most vulnerable among us. It is not the CEOs. It is not the wealthy. It is young people, Hispanics, African Americans, single moms. According to the most recent census data, in 2011 the poverty rate for those who worked full-time was only 2.8 percent. The poverty rate for those working less than full-time year-round was 16.3 percent.

I am reminded of earlier this year when we were debating the issue of ObamaCare and I read from a newspaper article out of the State of Oklahoma that quoted a single mom who is working in a fast food restaurant. She and all of her coworkers had their hours forcibly reduced to 29 hours a week or less. This single mom said: I have two little kids at home. I can't feed my kids on 29 hours a week, and neither can the other single moms who are struggling to make ends meet.

Beyond the impact on jobs, on the economy, and beyond those being forced into part-time work, we also have the compliance costs. According to Federal agency estimates, ObamaCare will add paperwork burdens totaling nearly 190 million hours or more every year. To put that in perspective, Mount Rushmore, which took 14 years to build, could be constructed 1,547 times with the paperwork ObamaCare requires in 1 year.

Not only do we see jobs being hurt, the economy being hurt, workers being hurt, hours being reduced, paperwork going up, but we are seeing premiums going up—premiums going up far too high—and it is hitting those who are suffering the most.

On Monday, Florida's insurance commissioner told the Palm Beach Post that insurance rates will rise by 5 to 20 percent in the small-group market and by 30 to 40 percent in the individual market. As those who are at home in Florida watching what is happening, as they are seeing their insurance rates go up—they are going up because of the impact of this failed law.

The Ohio Department of Insurance announced that ObamaCare in Ohio will increase the individual market health premiums by 88 percent. If a person in Ohio right now is seeing their premiums go up, they can thank the men and women of the U.S. Congress.

According to the Wyman Firm, looking at young people, young people in particular are hurt by ObamaCare. The Wyman Firm estimates that 80 percent of Americans age 21 to 29 earning more than $16,000 will pay more out-of-pocket for coverage under ObamaCare than they pay today. If young people at home are watching this today and wondering how they are going to get a job, how they are going to climb the economic ladder, how they are going to achieve the American dream, ObamaCare is driving up their health care premiums right now.

We all know that at the time ObamaCare was being debated, the President promised the American people: If you like your health care plan, you can keep it. The facts have conclusively proven that wrong. According to a February 2013 report by the Congressional Budget Office, 7 million people will lose their employer-sponsored insurance. McKinsey & Company, a very well-regarded consulting firm, found that 30 percent of employers will definitely or probably stop offering health insurance in the years after 2014.

This bill isn't working, and I would note there is growing bipartisan consensus on that front. As the facts have come in, the American people have kept an open mind, have looked at this bill, and have seen that as it is being implemented, it is not working, it is hurting the economy, and it is hurting jobs. According to an ABC-Washington Post poll, in 2010, 74 percent of moderate conservative Democrats—there are a significant number of Democrats who describe themselves as moderate or conservative—in 2010, 70 percent of them supported ObamaCare. Yet, in July, just 46 percent supported ObamaCare.

Not only that, we have seen the lead Senate author of ObamaCare—a senior Democrat in this body—describe ObamaCare as headed toward a ''huge train wreck.'' We have seen unions—

which initially supported ObamaCare—over and over turning as they realize the consequences. In April the United Union of Roofers, Waterproofers and Allied Workers called for ''repeal or complete reform of the Affordable Care Act to protect our employers, our industry, and our most important assets, our members and their families.'' If we listen to the voices of unions, unions are saying ObamaCare is failing; it is not working. The International Brotherhood of Electrical Workers released a white paper in July explaining that ObamaCare ''threatens to harm our members by dismantling multiemployer health plans.'' And then—really quite striking—James Hoffa, Jr., the president of the Teamsters Union, wrote a letter to HARRY REID and NANCY PELOSI stating that ObamaCare ''will destroy the very health and well-being of our members along with millions of other hard-working Americans.'' Why? Well, Mr. Hoffa explained that ObamaCare is destroying the 40-hour workweek that has been the backbone of the American middle class.

If we trust the voices of unions, if we have a concern for the American middle class, then listen to the bipartisan voices that are rising up saying that ObamaCare isn't working.

Most strikingly, we have President Obama himself, who just a few weeks ago was forced to unilaterally and without legal authority delay implementation of ObamaCare for large corporations, for companies with more than 50 employees—he unilaterally moved the employer mandate until after the next election. I would suggest there are at least two things we can derive from President Obama's decision to do that:

No. 1, if ObamaCare were a good thing, if it were working, we can be sure President Obama would want it to go into full effect before the next election. He would want to take credit with the American people for the benefits of this signature bill. The fact that the President was forced to concede that the wheels are coming off and to move the employer mandate until after the next election I would suggest is highly revealing.

No. 2, it raises the obvious followup question: Why is President Obama willing to grant a waiver for giant corporations but not for hard-working American families, not for the men and women who are struggling to make ends meet, who are climbing the economic ladder, who want, like their parents and grandparents before them, to achieve the American dream? ObamaCare is standing in their way.

So what are we to do about it? Well, the most important constitutional check and balance that Congress has on an overreaching Executive is the power of the purse. The Framers of the Constitution wisely gave authority over expenditures of money to the Congress, and that is why the Senator from Utah, the Senator from Florida, and I, among many others, are standing together and saying: This isn't working, and Congress should defund it.

In 62 days the continuing resolution that funds the Federal Government will expire. Each of the three of us, along with a number of others, has publicly stated that under no circumstances will we support a continuing resolution that funds one penny of ObamaCare. If 41 Members of this body stand together and make that same statement or if 218 Members in the House of Representatives stand together and take that same position, we can do something different than we have seen this year.

Over the past couple of years we have seen 39, 40, 41 votes to repeal ObamaCare, all of which have been effectively symbolic because none of them had a real chance of passage. With the continuing resolution, we have a chance to successfully defund ObamaCare. Right now we don't have the votes in this institution. If the vote were held today, we would not hold 41 Senators to defund ObamaCare. But we have 62 days until September 30, and every one of us takes very seriously our obligation to represent our constituents. If in the next 62 days we see what I believe we are going to see, which is the American people rising up en masse—hundreds of thousands, millions of Americans standing up and saying: It isn't working, it is hurting our jobs, it is hurting our economy, it is hurting our health care, it is making our lives worse, and we need to defund it—if enough Americans speak out and demand of their elected officials that we do the right thing, I am confident we will. I am confident that Republicans will, and I am hopeful that Members of the Democratic Party will as well, that every one of us will.

I believe the American people should hold their elected officials accountable, and that most assuredly includes me. It includes all of us. We should be held accountable by our constituents. The American people know this bill isn't working. There is bipartisan agreement on it. We have the potential in the next 62 days to show real leadership—not to give a speech, not to give a meaningless, symbolic vote, but, if we stand together, to actually defund it.

Let me make one final point. Those who disagree with the position that is being taken by Senator LEE and Senator RUBIO and me and say that taking this stand will mean Republicans will be blamed for a government shutdown, let me be clear on what I think should happen. I believe the House of Representatives should pass a continuing resolution to fund the entirety of the Federal Government except for ObamaCare and should explicitly prohibit further funding of ObamaCare and should adopt the legislation I have introduced as a condition to the continuing resolution.

Now, the next step. There will be partisan critics who immediately charge Republicans with threatening to shut down the government. I would suggest that we then take the argument to the American people. The American people should decide. If there are Members of this body who are willing to shut down the Federal Government in order to force ObamaCare down the throats of the American people, in order to say President Obama will grant a waiver to giant corporations but not to hard-working American families, let's take that argument to the American people because I think the American people want economic growth back. That should be our top priority. Nothing is killing jobs more. Nothing is hurting the American economy more than ObamaCare. There is bipartisan agreement on that.

I am hopeful that Members of this body will stand and lead. I thank the Senator from Utah for taking the lead on what I believe is the most important battle this Congress will confront.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, those of us who share this position feel strongly that it is indisputably, constitutionally the prerogative of the Congress to exercise the power of the purse. This means we don't have to vote to fund something with which we fundamentally disagree.

Some have suggested that because this was passed by Congress 3 years ago, we somehow have an obligation to fund it. Well, I would remind my colleagues who might make that statement that the Congress as it existed then is not the same Congress as it exists today. That was two Congresses ago. The Congress that enacted that law was fundamentally changed in part because it enacted that law.

The law has not been popular. It has not been good to those who voted to enact it. Ever since the majority party in the House of Representatives changed hands after the 2010 election—due in large part to ObamaCare—there have been a lot of people who have suggested that the Republicans in Congress need to defund ObamaCare's implementation and enforcement. For a variety of reasons, that has not happened.

We have continued to pass continuing resolutions with no restrictions on ObamaCare's implementation and enforcement, at least as it relates to the ultimate implementation and enforcement of the exchanges, of the individual mandate, and so forth. Republicans have had reasons for doing this. Some of those reasons have included the statement to the effect that, well, the Supreme Court is going to knock it down. It will strike it down. It will invalidate ObamaCare because it is unconstitutional. Of course it is, and a majority of the Supreme Court concluded that it was unconstitutional as written. But the Supreme Court, rather than invalidating it, instead rewrote the law not just once but twice in order to save it. Some Republicans have also justified continuing to vote for funding

bills that contain ObamaCare implementation funding because they believed a Republican would be elected President in 2012 and would stop ObamaCare. Well, that did not happen either.

We have one last opportunity to defund the implementation of this law before these provisions I just mentioned kick in on January 1—one last opportunity—and that is in connection with our current spending bill, our current continuing resolution that is set to expire on September 30—just 62 days from right now.

So what we are saying is that if you agree with us, if you agree with the President that this law is not ready to be implemented as it was written, as it was enacted by Congress, if the President is not going to follow the law, then the American people should not have to fund it. If you do not like it, if you agree it is not ready, do not fund it. We can and we should and we must fund government but not ObamaCare.

So I would ask the Senator from Florida if these are sentiments that are consistent with what he has been thinking, sentiments that are consistent with what he has been hearing from his constituents in Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. RUBIO. Mr. President, in response to the Senator from Utah, I would say I have because I think there is a pretty clear understanding growing every day, as evidenced by the Senator from Texas a moment ago, who went through all these groups out there, including labor unions that have now turned on ObamaCare because of what it means to their members. So it is increasingly established how much damage this law is doing.

The question I get, I say to the Senator from Utah, is, What can we do about it? There is almost this resignation by people that, well, what can we do about it? It is already in place. Is there anything we can do?

So I think there are three things we should be able to do, and I will summarize those fairly quickly.

The first thing we should do is not continue to double and triple down on these things.

I think both the Senator from Texas and the Senator from Utah grew up at the same time as I did, so they will remember something that a lot of the younger people here probably do not remember. There was a time when Coca-Cola came out with something called New Coke. It was a new Coca-Cola formula. After about 100-some years, they changed the formula of Coca-Cola and they came out with something called New Coke. It was a disaster. Everybody hated it. In fact, they hated it because—they said: If we want to drink something that has that kind of sweetener, there are other options on the market. We like old Coke.

What did Coca-Cola do when New Coke began to flounder? They did not say: Well, we are just going to continue to make more of it. They backed away from it. They went back to the original formula. They learned from their mistake, and they did not double down. That is the way it is in the real world. That is the way it is in our lives, and that is the way it is in the private sector—but not government, not Washington. In Washington, if something is going wrong, here they double and triple down. It is like an invitation to move forward. We should not do that. That is the first thing I would say.

The second thing I would say is that we have to stop this from moving forward. The implications of this law are already being felt, but the regulations around this law—the mandates in this law, the fees and the costs and the new rate increases in this law, those things, you are only going to start to feel that right now. In the next few months you are going to really start to feel what this new law means to your life, to your business, to the place where you work.

Now is the time to act. People ask me: What can we do about it? Let me tell you what is probably not going to work in the short term. You are probably not going to get President Obama to sign a bill that repeals ObamaCare, and you are not going to get the votes in the Senate to do that. So these repeal votes—I will vote for every single one of them, but the problem is that our chances of getting that accomplished are probably minimal so long as President Obama is the President of the United States. So truly our last option is to stop paying for this thing. Why would we continue to pour billions and hundreds of millions of taxpayer dollars into a disaster? Why would we double down with your hard-earned money on a program that is going to hurt you?

We will have a chance to do that in September because in September, in order for the government to continue to function, we have to pass something called a short-term budget. I wish it were a permanent budget, but it is supposed to be a short-term budget. All we are saying is, in that short-term budget, fund the government, keep the lights on, pay the military, make sure Social Security checks go out. The only thing you should not do is you should not fund and pay for ObamaCare.

The pushback we get from that from some people is, well, that is crazy because that means you are willing to shut down the government over ObamaCare. That is not the way I see it. The way I see it is that if we pass a budget that pays for everything except for ObamaCare and the President says he will veto that, it is he who wants to shut down the government, it is he who is basically saying: I will shut down the government unless it pays for ObamaCare. That is an unreasonable position. It is unreasonable because this law is so bad. His own allies are coming to him and saying: Please stop this from moving forward. Well, we are going to give you a chance, Mr. President, by refusing to fund it.

Here is my last point: To my colleagues in the Republican Party—I know every single one of the Senate Members here in the Republican Party is against ObamaCare—this is our last chance, our last best chance to do something about this. When this thing starts to kick in and starts to take root, it is going to be very difficult to undo major portions of this despite the damage it is going to create.

Now, I only speak for myself, although I think I can speak for the other two Senators who have joined me here today in this effort. I want to be able to go back to Florida, no matter how this thing turns out, and say to the men and women who sent me here in 2010: I did everything I could to keep this from happening to you.

When someone comes to me and says: I just got moved to part time because of ObamaCare, I want to be able to look them in the eye and say that I did everything I could.

When someone says to me: I just lost the insurance I was happy with; I now have this new insurance plan I am not that familiar with, and my doctor, whom I have had for 30 years, is not on that plan, I want to be able to say to them that I did everything I could.

When someone comes to me and says: I have a pretty successful business; I have set some money aside; I was going to open a new business or grow this one, but I am not because of ObamaCare, I want to be able to say that I did everything I could.

If we pass a budget in September that funds ObamaCare, you did not do everything you could. You paid for this. You doubled down on it in ways that will have irreparable harm to our economy and to our country.

This is our last best chance.

To those who say they are against ObamaCare, I believe you. But let me tell you something. If we are not willing to draw a line in the sand on this issue, then on what issue are we willing to draw a line in the sand? If we are not willing to go to the limit on this issue, then what issue is there? Is there an issue on which we are prepared to say: We will not move forward because of this? Is there an issue on which we are willing to do everything we can and lay it all on the line? Is there such an issue? And if it is not this one, which one is it?

That is the choice before us. I truly believe you cannot go back home and say you did everything you could to stop ObamaCare if you vote for a budget that funds it.

I would ask the Senator from Texas if he too shares those thoughts and those feelings?

The PRESIDING OFFICER. The Senator from Texas.

Mr. CRUZ. Mr. President, I do indeed share those thoughts and feelings and the obligation we owe to our constituents to honor our word and put action behind our words.

I would ask the Senator from Utah if he would yield for a series of three short questions?

Mr. LEE. Surely.

Mr. CRUZ. The first question is, There has been much talk of a shutdown. Am I correct that we do not have to hypothesize what a shutdown would look like, that we, in fact, saw that in 1995 with two temporary, partial shutdowns that occurred when Republicans in the House stood up to President Clinton?

When that occurred in 1995, we saw several things. No. 1, we saw that the parade of horribles that was brought out did not occur. Social Security checks continued to flow, the military continued to be funded, interest on the debt continued to be paid, planes did not fall out of the sky.

Indeed, what occurs—if Democrats decide to block a continuing resolution and force a temporary shutdown in order to force ObamaCare on the American people—is a partial, temporary shutdown where nonessential government services get suspended for a period of time, not a shutdown of essential services, such as paying for the men and women who are fighting in the military and providing Social Security checks. We have seen that in the past; is that correct?

Mr. LEE. That is correct. That is correct, and it is how it has happened in the past. This is not something we want. This is not something we have threatened. This is something we think can and should be avoided and we want to avoid. In the unfortunate, completely avoidable event that did happen, it would be largely as the Senator described it.

Mr. CRUZ. A second question I would ask is this: This week we saw the rather stunning news that the IRS employees union—the men and women at the IRS charged with enforcing ObamaCare are asking not to be made subject to ObamaCare. Indeed, the union leaders have said to their union members: Draft letters to send to Members of this body, saying that we, the IRS employees union, do not want to be subject to ObamaCare.

Likewise, ObamaCare subjects Members of this body and their staffs to ObamaCare. I am not aware of a single Senate office that is not deeply concerned about that, that is not facing the prospect of staff quitting the congressional offices because the arms of ObamaCare are so significant, and there have been many a panicked discussion among Democrats and Republicans about what to do about subjecting Members and their staff to ObamaCare.

My second question of three short questions is, What does it say to the Senator that the IRS employees union is asking: Let us out from ObamaCare, and that Members and congressional staff are deeply concerned about the harms ObamaCare is going to do to them?

Mr. LEE. Well, first of all, that tells me that those who are part of that union do not want to be subject to the same provisions of the same law they will be enforcing.

What it also tells me in the bigger picture is that above all, this law creates uncertainty. That is why we see so much angst among people right here on Capitol Hill who are facing the very real prospect, the very real future in the next few months of going onto these exchanges because nobody knows what this is going to look like. Nobody has any idea.

One thing Americans really do not like, in this world of a lot of unavoidable uncertainties, is more uncertainties heaped upon them by dictate of the Federal Government. We have enough uncertainties in life. We do not know when somebody is going to get sick. We do not know when accidents are going to happen. So we should be able to avoid those things that government thrusts upon us.

This is one of the many reasons why there is so much angst within the IRS and within the ranks of the Capitol Hill workforce. People do not want to go onto these exchanges because they have absolutely no idea what this is going to look like.

Mr. CRUZ. My third brief question is, For those in this body who have campaigned at home, who have told their constituents they are opposed to ObamaCare, on January 1 the exchanges go up and running, the subsidies begin. And the history of the modern entitlement state is that anytime a subsidy has been put in place, it has proven to be politically virtually impossible to undo. Indeed, no major entitlement that has been implemented in modern times has ever been undone.

For those who say they oppose ObamaCare, what is the alternative to defunding ObamaCare with a continuing resolution? Let me ask it a separate way. If we do not defund it, am I correct that come January 1, Republicans will essentially be surrendering that in all likelihood ObamaCare will be a permanent feature of the economy, hurting the economy, hurting jobs, hurting low-income workers, hurting our health care system? And if that is correct, has any reasonable alternative been proffered by anyone on this side of the Senate to stop that harm other than what you and Senator RUBIO and I and others are trying to do?

Mr. LEE. Based on historical precedent, we have every reason to believe that once this new entitlement program kicks in, it is not going away. It is a one-way ratchet. You have death, taxes, and entitlements. Once created, they do not go away.

To answer the second part of that question, I am not aware of any plan among any Republicans—aside from this one; aside from the plan that says: Do not fund ObamaCare, fund government but not ObamaCare—that would address this issue. I am not aware of any plan. The only other plan I am aware of would be one that says: Let's just wait and see what happens. Let's wait and see what a horrible disaster this will be. Let's wait and see how awful this will be for the American people, how utterly intolerable they will find it. And let's just hope that will provide enough political momentum for us perhaps to win elections at some unknown point in the future. This is not a good way to run a government. This is not a kind thing to do to an unsuspecting public who hopes and expects that we have their best interests at heart.

So to all those in this body who support ObamaCare, this argument might not be all that persuasive to you, although you ought to look at the fact that the President, who signed this into law, has said he himself is not ready, is not willing, is not able to enforce and implement the law evenhandedly as it was written. So maybe that ought to give you pause as to whether you should fund it.

But for those of you in this body who are, in fact, opposed to ObamaCare, I ask you: How can you oppose it, be against it, and yet fund it? So I would invite you to consider the possibility that what you are doing in thinking about funding it is not really where you want to go. Consider what might be said about this. Defund it or own it. If you fund it, you are for it.

This law was enacted without a meaningful opportunity for the Members voting on it to read it. It is 2,700 pages long. After it was enacted into law, it was rewritten a total of four times: twice by the Supreme Court of the United States, twice more by the President of the United States. The President's rewrite came just a few weeks ago, the Supreme Court's rewrite was over a year ago.

But what the President did was acknowledge that this law is not ready for prime time. This law is not ready to implement. This law is not one that he is willing to implement as written. He is going to implement and enforce it selectively, holding hard-working Americans, individuals and families to the fire, while throwing a big bone to big business.

This is not acceptable. This is un-American. This is not something that those of us who purport to be against ObamaCare can support by funding it. So I invite my colleagues to join me in this cause to vote to fund government but not ObamaCare.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, even though I disagree with my three friends, I appreciate their sincerity, their advocacy. They are all three very intelligent men, good Senators. But I am going to move on to another subject.

I ask unanimous consent that following Senator COBURN's remarks, which are 15 minutes as I understand it, that all postcloture time on Calendar No. 223 be yielded back, and the

Senate proceed to vote on confirmation of the nomination with no intervening action or debate; further that following disposition of Calendar No. 223, the Senate proceed to consider the following nominations en bloc: 224, 104, 102, and 103; further that there be 2 minutes of debate equally divided in the usual form prior to cloture votes on Calendar Nos. 224 and 104; that if cloture is invoked on the nominations, all postcloture time be yielded back and the Senate proceed to vote on confirmation of the nomination with no intervening action or debate; further that if Calendar Nos. 223, 224, and 104 are confirmed, the Senate proceed to vote with no intervening action or debate on Calendar No. 102 and 103, in that order; that if cloture is not invoked on Calendar Nos. 224 or 104, Calendar Nos. 102 and 103 be returned to the calendar; further, that if a nomination is confirmed, the motion to reconsider be considered made and laid on the table, with no intervening action or debate and no further motions be in order; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action; further, that upon confirmation of Calendar No. 103, the Senate resume legislative session and that all after the first vote be 10 minutes in duration.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 1243

Mr. REID. Mr. President, finally one last unanimous consent. I ask unanimous consent that when the Senate resumes its consideration of S. 1243 on Wednesday, July 31, the pending amendments be set aside and Senator PAUL be recognized to offer amendment No. 1739; that there be 60 minutes of debate equally divided between the proponents and opponents; that upon the use or yielding back of that time, the Senate proceed to vote in relation to the Paul amendment; further, that no points of order or second-degree amendments be in order to the Paul amendment prior to the vote.

The PRESIDING OFFICER. Is there objection?

Ms. LANDRIEU. Reserving the right to object, I am not going to object, but I wanted to ask the majority leader, as you know, we have lost a great American, Ambassador Lindy Boggs. Senator BEGICH and I just wanted 10 minutes on the floor sometime today or tomorrow to honor her. Could we include that in some agreement for tomorrow?

Mr. REID. If we are not able to get it done today, we will do it in wrap-up tonight.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oklahoma.

THE AFFORDABLE CARE ACT

Mr. COBURN. Mr. President, I appreciate having the opportunity to talk about this subject. I also appreciate my colleagues. They are absolutely right in everything they said in terms of the effect of ObamaCare. I was here when that debate took place. But there are two contentions on which I disagree with them. I thought I would voice them on the floor.

One is one of the quotes from the Senator from Texas: You can thank the men and women of the Congress for ObamaCare.

I would just say you can thank the Democrats for ObamaCare because there was not one Republican who voted for it. So it is not the Congress that did this; it is the President and his allies who created this mess that we are about to experience.

The other thing I disagree with is the fact that you can design a piece of legislation that will defund ObamaCare, because the vast majority of it is mandatory spending. So no matter what we did in terms of a continuing resolution, and according to the CRS—which I ask unanimous consent to have printed in the RECORD after I finish what I am talking about—all of the things would continue in terms of the implementation of the Affordable Care Act if we carried out the strategy that is outlined by my colleagues.

Now, their motivations are absolutely pure. I have never voted for a continuing resolution since I have been in the Senate. My American Conservative Union rating is 99 percent. I would love to defund it. I want somebody to show me a mechanism where we can do that because the vast majority of the money being spent today is mandatory spending that does not come under a spending bill associated with appropriations. It was passed by a law. So the only effective way to truly stop ObamaCare—and I think we ought to do it. To stop it would be to totally reverse it. We do not have the votes to do that, but we do have the votes to delay it.

When you go out and talk about the fact that they are not going to implement the employer mandate but implement the individual mandate, we can have a vote on that in the Senate. Then we can have our colleagues go home and say why they think it is fair to do that. We can actually add that.

The fact that they are not going to do a check on the claims for eligibility under the exchanges, 88 percent of Americans think that is wrong. Why do they think it is wrong? Because they know right now, with the earned-income tax credit, between 25 and 34 percent of it is fraud. On the child tax credit it is the same thing. They know exactly the same thing will happen when it comes to credits and payments in the exchanges.

They also know the Independent Payment Advisory Board is going to ration care for the vast majority of the Americans. We can have a vote on that again. A good portion of my colleagues on the other side would like to get rid of that. So we can have a strategic method of delaying ObamaCare by putting the votes up. But there is no way, according to the Congressional Research Service, that the vast majority of funding can be stopped unless you totally reverse the whole bill.

As my colleague said, they did not think President Obama would sign that. So you would have to have 67 votes to let that happen. I spent hours on this floor trying to defeat the Affordable Care Act. Many of my colleagues on this side came around to other proposals, the Patient's Choice Act, which accomplished many of the same things without large government, without tremendous cost, and without the government getting in between a patient and their doctor.

I do have a little bit of experience on that side of the ledger in terms of caring for people for the last 25 years as a practicing physician. So I would think it would be important that we have a way. I do not disagree with the intent of what my colleagues want to do. I want to defund this bill, but I also want to do it in a way that kills it. There is not a legislative method that we have that is capable of defunding it short of 67 votes in the Senate, short of two-thirds votes in the U.S. House.

Now, can we put some riders on it to say you will not implement a certain section of it? Yes, as long as it is associated with discretionary spending. So what I would ask is that my colleagues look at what the Congressional Research Service has said and what the approach will be based on their analysis of a plan.

I believe the vast majority of Americans want us to get rid of this bill, this law. They want it reversed. There is a dissonance between what Americans want and what Congress is willing to give them, much as my colleague said. It is different. But to claim the fact—and I will be with them on not voting for a CR. However, it will not necessarily be for the same right reasons. There are good reasons. I think that is a terrible way to fund the government, but the fact is, there are a lot of ways that we can delay this bill and accomplish what we need to accomplish.

I don't think we can do the other. I don't believe we can accomplish that. So my colleagues will remember, it was actually 1996 when we had the government shutdown. Everybody was all for it until they were not. I voted against reopening the government. Had we held, much like our colleagues want us to hold today, we would not be $17 trillion in debt. We would not have a budget deficit of $800 billion this year. We would not be borrowing $34,000 a second—a second—in this government.

But I also know human nature. The very people who say they will do things today, when it gets tough, do not do it. So I praise my colleagues for what they are trying to do. They are right in wanting to try to kill the Affordable Care Act: the costs, the lack of effectiveness, the long-term diminution of the doctor-patient relationship, government involved in every aspect of your health care.

To have a litmus test of, if I do not agree with the process then I do not

really want to defund the Affordable Care Act, that is not a claim that settles very well with me, especially spending the last 4 years trying to fight this bill. I would say that the administration is lawless in its implementation of this bill, the fact that they are going to pick and choose—regardless of what the law says, they are going to pick and choose what they will implement and what they will not.

I think it is unacceptable. I think it is unfair to the average American. It is certainly unfair to the middle class. It is certainly unfair to those people who are trying to get a job today and cannot get full-time employment. We had 334,000 part-time jobs created last year. At this time in the economy, we should be creating 800,000 full-time jobs a year.

They are correct in terms of what it is doing to job creation. They are correct in terms of the negatives that it is having on our economy. They are correct about every part of this except whether it will actually solve the problem. In contrast to that is what it is that we have done that we can talk about with the American people that has been positive? We have actually shrunk the size of the Federal Government. For the first time since 1995, the discredited spending of the Federal Government is going to decline—for the first time.

We ought to use the continuing resolution, in my mind, to accentuate that one positive thing, which is that the reach and impact of the Federal Government in everybody's lives should be downgraded, as well as with the Affordable Care Act.

There is no one perfect way to do this. There will be disagreements, but the fact is we have accomplished some great things with the Budget Control Act and with the sequester. What we need to do is improve on that.

When I first came to the Senate, the average individual's debt was $23,000. It is at $54,000 today. Every man, woman, and child in this country, if you are born today, by the time you are 20 years of age—if you count unfunded liabilities—you will be responsible for in excess of $1 million of debt and unfunded liabilities.

Let me say that again. If you are born today, by the time you become a majority citizen, you will be responsible for debt and unfunded liabilities in excess of $1 million. The Affordable Care Act adds to that, but it doesn't add much compared to everything else we have done.

We need to rein in this President. I agree. We need to rein in spending. We need to rein in the Affordable Care Act. If we could end it, I would be for ending it tomorrow. What we need to do is delay it to where we can get to the point where we can kill it. It does need to be terminated.

There are positive things we need to be doing. There is no question that we ought to make available, without discrimination, health care for people who have preexisting illnesses. Those are positive things. We can do that. There are ways to do it other than the inefficient, ineffective way this bill does it. They weren't even ever considered for a vote when we had this. There wasn't any real debate on alternatives because we weren't allowed to offer them in the Senate.

My time has expired. I commend to my colleagues the CRS, Congressional Research Study, ''Potential Effects of a Government Shutdown on Implementation of the Patient Protection and Affordable Care Act (ACA).''

I yield the floor.

The PRESIDING OFFICER. Under the previous order, all postcloture time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Kent Yoshiho Hirozawa, of New York, to be a Member of the National Labor Relations Board?

Mr. VITTER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Ms. HEITKAMP) is necessarily absent.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from New Jersey (Mr. CHIESA).

Further, if present and voting, the Senator from New Jersey (Mr. CHIESA) would have voted ''nay.''

The PRESIDING OFFICER (Ms. WARREN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 44, as follows:

[Rollcall Vote No. 190 Ex.]

YEAS—54

Baldwin	Harkin	Murray
Baucus	Heinrich	Nelson
Begich	Hirono	Pryor
Bennet	Johnson (SD)	Reed
Blumenthal	Kaine	Reid
Boxer	King	Rockefeller
Brown	Klobuchar	Sanders
Cantwell	Landrieu	Schatz
Cardin	Leahy	Schumer
Carper	Levin	Shaheen
Casey	Manchin	Stabenow
Coons	Markey	Tester
Donnelly	McCaskill	Udall (CO)
Durbin	Menendez	Udall (NM)
Feinstein	Merkley	Warner
Franken	Mikulski	Warren
Gillibrand	Murkowski	Whitehouse
Hagan	Murphy	Wyden

NAYS—44

Alexander	Enzi	McConnell
Ayotte	Fischer	Moran
Barrasso	Flake	Paul
Blunt	Graham	Portman
Boozman	Grassley	Risch
Burr	Hatch	Roberts
Chambliss	Heller	Rubio
Coats	Hoeven	Scott
Coburn	Inhofe	Sessions
Cochran	Isakson	Shelby
Collins	Johanns	Thune
Corker	Johnson (WI)	Toomey
Cornyn	Kirk	Vitter
Crapo	Lee	Wicker
Cruz	McCain	

NOT VOTING—2

Chiesa Heitkamp

The nomination was confirmed.

NOMINATION OF NANCY JEAN SCHIFFER, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD

NOMINATION OF MARK GASTON PEARCE, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD

NOMINATION OF HARRY I. JOHNSON III, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD

NOMINATION OF PHILIP ANDREW MISCIMARRA, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to consider the following nominations en bloc, which the clerk will report.

The bill clerk read as follows:

Nancy Jean Schiffer, of Maryland, to be a Member of the National Labor Relations Board.

Mark Gaston Pearce, of New York, to be a Member of the National Labor Relations Board.

Harry I. Johnson III, of Illinois, to be a Member of the National Labor Relations Board.

Philip Andrew Miscimarra, of Illinois, to be a Member of the National Labor Relations Board.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Nancy Jean Schiffer, of Maryland, to be a Member of the National Labor Relations Board.

Harry Reid, Tom Harkin, Jack Reed, Sheldon Whitehouse, Christopher A. Coons, Robert P. Casey, Jr., Benjamin L. Cardin, Patrick J. Leahy, Joe Manchin III, Elizabeth Warren, Debbie Stabenow, Carl Levin, Angus S. King, Jr., Charles E. Schumer, Richard J. Durbin, Amy Klobuchar, Richard Blumenthal.

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate divided in the usual form prior to a vote on the motion to invoke cloture.

Mr. HARKIN. Madam President, I ask unanimous consent the time be yielded back.

The PRESIDING OFFICER. Without objection, it is so ordered.

By unanimous consent the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Nancy Jean Schiffer, of Maryland, to be a Member of the National Labor Relations Board, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Ms. HEITKAMP) is necessarily absent.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from New Jersey (Mr. CHIESA).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 65, nays 33, as follows:

[Rollcall Vote No. 191 Ex.]

YEAS—65

Alexander	Gillibrand	Murkowski
Ayotte	Graham	Murphy
Baldwin	Hagan	Murray
Baucus	Harkin	Nelson
Begich	Heinrich	Pryor
Bennet	Hirono	Reed
Blumenthal	Johnson (SD)	Reid
Blunt	Kaine	Rockefeller
Boxer	King	Sanders
Brown	Kirk	Schatz
Cantwell	Klobuchar	Schumer
Cardin	Landrieu	Shaheen
Carper	Leahy	Stabenow
Casey	Levin	Tester
Collins	Manchin	Udall (CO)
Coons	Markey	Udall (NM)
Corker	McCain	Warner
Donnelly	McCaskill	Warren
Durbin	McConnell	Whitehouse
Feinstein	Menendez	Wicker
Flake	Merkley	Wyden
Franken	Mikulski	

NAYS—33

Barrasso	Fischer	Paul
Boozman	Grassley	Portman
Burr	Hatch	Risch
Chambliss	Heller	Roberts
Coats	Hoeven	Rubio
Coburn	Inhofe	Scott
Cochran	Isakson	Sessions
Cornyn	Johanns	Shelby
Crapo	Johnson (WI)	Thune
Cruz	Lee	Toomey
Enzi	Moran	Vitter

NOT VOTING—2

Chiesa	Heitkamp

The PRESIDING OFFICER. The yeas are 65, the nays are 33. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The majority leader.

Mr. REID. Madam President, we have three 10-minute votes. We have a 5-minute penalty time, and we need to start wrapping up these votes. The first vote took 30 minutes, so let's try to stick to what we said we would do. There are Senators who wait around here, so it is not fair to them. As soon as we get enough votes, we will move on. We are moving on whether everyone is here or not.

The PRESIDING OFFICER. Under the previous order, all postcloture time is yielded back and the question is, Will the Senate advise and consent to the nomination of Nancy Jean Schiffer, of Maryland, to be a member of the National Labor Relations Board?

Mr. REID. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Ms. HEITKAMP) is necessarily absent.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from New Jersey (Mr. CHIESA).

Further, if present and voting, the Senator from New Jersey (Mr. CHIESA) would have voted ''nay.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 44, as follows:

[Rollcall Vote No. 192 Ex.]

YEAS—54

Baldwin	Harkin	Murray
Baucus	Heinrich	Nelson
Begich	Hirono	Pryor
Bennet	Johnson (SD)	Reed
Blumenthal	Kaine	Reid
Boxer	King	Rockefeller
Brown	Klobuchar	Sanders
Cantwell	Landrieu	Schatz
Cardin	Leahy	Schumer
Carper	Levin	Shaheen
Casey	Manchin	Stabenow
Coons	Markey	Tester
Donnelly	McCaskill	Udall (CO)
Durbin	Menendez	Udall (NM)
Feinstein	Merkley	Warner
Franken	Mikulski	Warren
Gillibrand	Murkowski	Whitehouse
Hagan	Murphy	Wyden

NAYS—44

Alexander	Enzi	McConnell
Ayotte	Fischer	Moran
Barrasso	Flake	Paul
Blunt	Graham	Portman
Boozman	Grassley	Risch
Burr	Hatch	Roberts
Chambliss	Heller	Rubio
Coats	Hoeven	Scott
Coburn	Inhofe	Sessions
Cochran	Isakson	Shelby
Collins	Johanns	Thune
Corker	Johnson (WI)	Toomey
Cornyn	Kirk	Vitter
Crapo	Lee	Wicker
Cruz	McCain	

NOT VOTING—2

Chiesa	Heitkamp

The nomination was confirmed.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Mark Gaston Pearce, of New York, to be a Member of the National Labor Relations Board.

Harry Reid, Tom Harkin, Jack Reed, Sheldon Whitehouse, Christopher A. Coons, Robert P. Casey, Jr., Benjamin L. Cardin, Patrick J. Leahy, Joe Manchin III, Elizabeth Warren, Debbie Stabenow, Carl Levin, Angus S. King, Jr., Charles E. Schumer, Richard J. Durbin, Amy Klobuchar, Richard Blumenthal.

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided in the usual form prior to a vote on the motion to invoke cloture on the Pearce nomination.

The Senator from Iowa.

Mr. HARKIN. Madam President, I ask unanimous consent that all time be yielded back.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the nomination of Mark Gaston Pearce, of New York, to be a Member of the National Labor Relations Board for the term of 5 years expiring August 27, 2018, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Ms. HEITKAMP) is necessarily absent.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from New Jersey (Mr. CHIESA).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 69, nays 29, as follows:

[Rollcall Vote No. 193 Ex.]

YEAS—69

Alexander	Gillibrand	Murphy
Ayotte	Graham	Murray
Baldwin	Hagan	Nelson
Baucus	Harkin	Portman
Begich	Heinrich	Pryor
Bennet	Hirono	Reed
Blumenthal	Isakson	Reid
Blunt	Johnson (SD)	Rockefeller
Boxer	Kaine	Sanders
Brown	King	Schatz
Cantwell	Kirk	Schumer
Cardin	Klobuchar	Shaheen
Carper	Landrieu	Stabenow
Casey	Leahy	Tester
Chambliss	Levin	Thune
Collins	Manchin	Toomey
Coons	Markey	Udall (CO)
Corker	McCain	Udall (NM)
Donnelly	McCaskill	Warner
Durbin	Menendez	Warren
Feinstein	Merkley	Whitehouse
Flake	Mikulski	Wicker
Franken	Murkowski	Wyden

NAYS—29

Barrasso	Fischer	Moran
Boozman	Grassley	Paul
Burr	Hatch	Risch
Coats	Heller	Roberts
Coburn	Hoeven	Rubio
Cochran	Inhofe	Scott
Cornyn	Johanns	Sessions
Crapo	Johnson (WI)	Shelby
Cruz	Lee	Vitter
Enzi	McConnell	

NOT VOTING—2

Chiesa Heitkamp

The PRESIDING OFFICER. On this vote, the yeas are 69, the nays are 29. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Under the previous order, all postcloture time is yielded back and the question occurs on the Pearce nomination.

Mr. WHITEHOUSE. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Mark Gaston Pearce, of New York, to be a Member of the National Labor Relations Board?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Ms. HEITKAMP) and the Senator from Nevada (Mr. REID), are necessarily absent.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from New Jersey (Mr. CHIESA).

Further, if present and voting, the Senator from New Jersey (Mr. CHIESA) would have voted ''nay.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 38, as follows:

[Rollcall Vote No. 194 Ex.]

YEAS—59

Alexander	Hagan	Murphy
Baldwin	Harkin	Murray
Baucus	Heinrich	Nelson
Begich	Hirono	Portman
Bennet	Isakson	Pryor
Blumenthal	Johnson (SD)	Reed
Boxer	Kaine	Rockefeller
Brown	King	Sanders
Cantwell	Klobuchar	Schatz
Cardin	Landrieu	Schumer
Carper	Leahy	Shaheen
Casey	Levin	Stabenow
Chambliss	Manchin	Tester
Collins	Markey	Udall (CO)
Coons	McCain	Udall (NM)
Donnelly	McCaskill	Warner
Durbin	Menendez	Warren
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden
Gillibrand	Murkowski	

NAYS—38

Ayotte	Fischer	Moran
Barrasso	Flake	Paul
Blunt	Graham	Risch
Boozman	Grassley	Roberts
Burr	Hatch	Rubio
Coats	Heller	Scott
Coburn	Hoeven	Sessions
Cochran	Inhofe	Shelby
Corker	Johanns	Thune
Cornyn	Johnson (WI)	Toomey
Crapo	Kirk	Vitter
Cruz	Lee	Wicker
Enzi	McConnell	

NOT VOTING—3

Chiesa Heitkamp Reid

The nomination was confirmed.

VOTE ON NOMINATION OF HARRY I. JOHNSON III

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Harry I. Johnson III, of Virginia, to be a Member of the National Labor Relations Board?

The nomination was confirmed.

VOTE ON NOMINATION OF PHILIP ANDREW MISCIMARRA

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Philip Andrew Miscimarra, of Illinois, to be a Member of the National Labor Relations Board?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

The Senator from Washington.

TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2014—Resumed

Mrs. MURRAY. Madam President, what is the pending business?

The PRESIDING OFFICER. The clerk will report the title of the bill.

The assistant legislative clerk read as follows:

A bill (S. 1243) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2014, and for other purposes.

Pending:

Murray (for Cardin) modified amendment No. 1760, to require the Secretary of Transportation to submit to Congress a report relating to the condition of lane miles and highway bridge deck.

Coburn amendment No. 1750, to prohibit funds from being directed to Federal employees with unpaid Federal tax liability.

Coburn amendment No. 1751, to prohibit Federal funding of union activities by Federal employees.

Coburn amendment No. 1754, to prohibit Federal funds from being used to meet the matching requirements of other Federal programs.

Murphy amendment No. 1783, to require the Secretary of Transportation to assess the impact on domestic employment of a waiver of the Buy America requirement for Federal-aid highway projects prior to issuing the waiver.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENTS NOS. 1818, 1772, 1800, 1809, 1812, AND 1814 EN BLOC

Mrs. MURRAY. I ask unanimous consent the following amendments be made in order and the Senate proceed to their consideration en bloc: Flake amendment No. 1818, Flake amendment No. 1772, McCaskill-Blunt amendment No. 1800, Blumenthal amendment No. 1809, Menendez amendment No. 1812, and Cochran amendment No. 1814.

The PRESIDING OFFICER. Is there objection?

The Senator from Maine.

Ms. COLLINS. Madam President, it is with great regret that on behalf of Senator COBURN, I am objecting.

I wish to point out that we have worked very hard to clear this list of amendments, and they include amendments from Members on both sides of the aisle. It is a fair list, and I had hoped we would be able to proceed tonight.

Regrettably, there is an objection on our side from Senator COBURN.

I am, however, optimistic that with further work we will be able to deal with that objection. My hope is that in the morning we will have an agreement that will allow me to agree, as the manager on our side, to this list. Unfortunately, at this time, I do need to object.

The PRESIDING OFFICER. Objection is heard.

Mrs. MURRAY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, S. 1243 is now pending?

The PRESIDING OFFICER. That is correct.

CLOTURE MOTION

Mr. REID. I have a cloture motion which is at the desk. With the Chair's permission, I ask that it be reported.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 1243, a bill making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2014, and for other purposes.

Harry Reid, Patty Murray, Barbara A. Mikulski, Jon Tester, Tom Harkin, Jack Reed, Dianne Feinstein, Tim Johnson, Tom Udall, Mark Begich, Christopher Murphy, Patrick J. Leahy, Richard J. Durbin, Bill Nelson, Christopher A. Coons, Amy Klobuchar, Mazie K. Hirono, Richard Blumenthal.

Mr. REID. Madam President, before I go further, I want the Senator from Washington and the Senator from Maine to hear what I am saying; that is, I wish to process amendments. We are going to do one in the morning, which has held up things for some time.

There are other amendments pending. We are going to be voting on those. I have no problem with that. This is a piece of legislation we should pass.

I heard the ranking member speak on the floor yesterday, but I was so impressed because she said what is true. This is what we are, legislators. When we pass this, everyone knows what the number is if we pass it.

We go to conference. What happens in conference? The numbers change. This

is the way things should happen around here.

I would hope we don't have these lines drawn in the sand and we can start being appropriators again. When I came here many years ago, I was so fortunate, only two freshmen were on the Appropriations Committee. I was on it and also Senator MIKULSKI.

I loved that committee all these years. It was so much fun.

It hasn't been much fun lately because we haven't had an Appropriations Committee that has been functioning decently. Senator MIKULSKI and Senator SHELBY are legislators. They wish to do legislation as the two managers of this bill do. I would hope we could move forward.

I have no problem with the Coburn amendments and Paul amendment. Let's vote on them and move on.

The time has come when we have to try to get it passed. The week is coming to a close. We have other nominations. We have to move to things when we get back. We know all the problems we have when we get back. I wish to do some more work on appropriations bills when we get back.

I ask unanimous consent the mandatory quorum required under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask unanimous consent that the cloture motion be withdrawn and that at a time to be determined by the majority leader, notwithstanding rule XXII, in consultation with Senator MCCONNELL, the Senate proceed to executive session to consider the following nomination: Calendar No. 220; that there be 2 hours for debate equally divided between the proponents and opponents; that following the use or yielding back of time, the Senate proceed to vote, with no intervening action or debate on the nomination; that the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order; that any related statements be printed in the Record; and that President Obama be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. I ask unanimous consent that the Senate proceed to morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Colorado is recognized.

ENDING BULK COLLECTION OF PHONE RECORDS

Mr. UDALL of Colorado. I welcome this opportunity to speak on the floor about the National Security Agency surveillance programs, their effectiveness, and their future.

I am proud to be joined by my colleague from Oregon, Senator WYDEN, who will comment as well after my remarks. He has been a stalwart leader on these issues, and it has been my honor to join forces with him and to draw attention to this very important discussion President Obama recently welcomed.

He called for a public debate on finding the right balance between national security and privacy in the context of NSA's surveillance programs.

His call is long overdue, and it is an opportunity we should not squander. As I have said time and time again to Coloradans and as they have said back to me as well, we owe it to the American people to have an open, transparent debate about the limits of the Federal Government's surveillance powers and how we reconcile the need to keep our families safe while still respecting our hard-won constitutional rights to privacy.

Although I would have preferred that this debate would have been kicked off by more transparent actions by the White House instead of by unauthorized leaks, we are nonetheless presented with a unique opportunity—an opportunity to finally have an open dialog about the limits of our government's surveillance powers, particularly those relating to the vast dragnet of Americans' phone records under section 215 of the PATRIOT Act.

This is a debate in which I feel privileged to take part. It is a debate that Senator WYDEN has been a part of since before I was elected to the Congress and one that I have been engaged in for a number of years now.

I want to be clear. I have acted in every possible way that I could within the confines of our rules that protect classified information to oppose these practices and bring them to light for the American people. I have fought against overly intrusive sections of the PATRIOT Act and the FISA Amendments Act and registered objections repeatedly with the administration. I believe these efforts are critical for protecting our privacy and also ensuring our national security.

I serve on both the Senate Armed Services Committee and the Senate Intelligence Committee, and in those assignments I focus every day on keeping Americans safe, at home and abroad. I recognize that we still live in a world where terrorism is a serious threat to our country, to our economy, and to American lives. Make no mistake, our government needs the appropriate surveillance and antiterrorism tools to combat the serious threats to our Nation. But it is up to the White House and Congress to ensure that these tools strike the right balance between keeping us safe and protecting our constitutional right to privacy. This is a balance I know we can achieve, but, in my view, the PATRIOT Act's bulk phone records collection program does not achieve that balance. That is why I am here on the Senate floor with my colleague Senator WYDEN to call for an end to the bulk phone records collection program, as we know it today.

Two years ago we were here on the Senate floor considering extending certain PATRIOT Act provisions. At that time I argued that the sweeping surveillance powers we were debating did not contain sufficient safeguards to preserve the privacy rights of Americans. In particular, I argued that the PATRIOT Act's business records provision—or section 215—permits the collection of records on law-abiding Americans who have no connection to terrorism or espionage. As I said at that time, we ought to be able to at least agree that an investigation under PATRIOT Act powers should have a terrorist- or espionage-related focus.

We all agree that the intelligence community needs effective tools to combat terrorism, but we must provide those tools in a way that also protects the constitutional freedoms of our people and that lives up to the standard of transparency our democracy demands. The Bill of Rights is the strongest document we have. Another way to put it: It is the biggest, baddest weapon we have. We need to stand with the Bill of Rights and in this case the Fourth Amendment.

Following Mr. Snowden's actions and the subsequent declassification of information concerning the NSA's surveillance programs, Americans in recent weeks are coming to understand what it means when section 215 of the PATRIOT Act says the government can obtain ''any tangible thing'' relevant to a national security investigation. That is the Foreign Intelligence Surveillance Court's way of saying that section 215 permits the collection of millions of Americans' phone records on a daily, ongoing basis. As a member of the Senate Intelligence Committee, I have repeatedly expressed concern that the FISA Court's secret interpretation of this provision of the PATRIOT Act is at odds with the plain meaning of the law. This secrecy has prevented Americans from understanding how this law is being implemented in their name.

In my view and the view of many Americans, this large-scale collection of information by the government has very significant privacy implications for all of us. What do I mean by that? Information about our phone calls—or, as it is known, ''metadata''—may sound pretty simple and innocuous, but I believe that when law-abiding Americans call up their friends, family, doctors, religious leaders, or anyone else, the information on whom they call, when they call, and where they call is private information and should be subject to strong privacy protections.

I have heard it said that the bulk phone records program collects nothing beyond what you could find in a phone book. But let's be clear about exactly what this program does. It collects the very personal details of our phone calls—the who, where, when, and how long—and stores them in a database. This doesn't just happen for those who are suspected of having some connection to terrorism; this program collects the phone records of literally millions of Americans. This is a far greater intrusion into our privacy than being voluntarily listed in the Yellow Pages, and it is the reason why I am calling on the White House and Congress to immediately reform this program.

Let me reiterate that it is absolutely possible to have both privacy and security. Yet, in the case of the bulk phone records collection program, Senator WYDEN and I believe we aren't getting enough of either. Not only does this program unreasonably intrude on Americans' privacy, but it also does so without achieving the alleged security gains. For instance, in recent weeks the intelligence community has made new assertions about the value of recently declassified NSA surveillance programs, but in doing so they have conflated two programs: section 702 of the Foreign Intelligence Surveillance Act regarding foreigners' Internet communications and section 215 of the PATRIOT Act regarding bulk phone records. It appears, however, that the bulk phone records collection program alone played little or no role in disrupting terrorist plots—I say this as someone who has been fully briefed on these terror-related events—nor has it been demonstrated that this program even provides any uniquely valuable intelligence. Therefore, saying, as the intelligence community has, that ''these programs'' together have disrupted ''dozens of potential terrorist plots'' is misleading.

While the intelligence community has been conflating these two programs, some of my colleagues in Congress in recent days have been going even further to say that the phone records program alone has been greatly successful. They have said it has saved lives and prevented dozens of terrorist plots. As someone who has been presented with the same information as my colleagues on the much-discussed 54 terror-related events, I have to say I disagree. Again, I have seen no evidence that the bulk phone records collection program alone has played a meaningful role, if any, in disrupting terrorist plots.

I have yet to see any convincing reason why agencies investigating terrorism cannot simply obtain information directly from phone companies using a regular court order. It may be more convenient for the NSA to collect phone records in bulk rather than asking phone companies to search for specific phone numbers, but convenience alone cannot justify the collection of the personal information of millions of innocent, ordinary, law-abiding Americans, especially when the same or more information can be obtained using less intrusive methods. A few hundred court orders per year would clearly not overwhelm the FISA Court, and the law already allows for emergency authorizations to get these records quickly in urgent circumstances.

Senator WYDEN and I are not alone in believing there is a more effective and less intrusive way to collect this information. Even before the nature of the bulk phone records collection program was declassified, there was support for narrowing the language of section 215 from many Members of Congress of both political parties. In fact, when the PATRIOT Act reauthorization passed the Senate in 2005 by unanimous consent, it included commonsense language that would have limited the government's ability to collect Americans' personal information unless there is a demonstrated link to terrorism or espionage. That language was designed to, among other things, protect our Fourth Amendment constitutional rights and put a check on government power. While that language did not make it into the final conference bill, it demonstrated that bipartisan agreement on reforms to section 215 is possible.

Let's fast forward to 2011, when the Senate again took up the extension of a number of expiring provisions of the PATRIOT Act. I offered an amendment drawn directly from language in the 2005 Senate-passed bill to narrow the application of this provision. That amendment, unfortunately, did not receive a vote. But this Congress I introduced bipartisan legislation with Senator WYDEN based on that same language and principles, and we are now joined by a strong bipartisan group of our colleagues from across the country and all along the political spectrum, including Senators DURBIN, MURKOWSKI, BEGICH, TOM UDALL, MERKLEY, LEE, and HEINRICH. Our bill will responsibly narrow the PATRIOT Act's section 215 collection authority to make it less intrusive on the privacy of law-abiding Americans. Our legislation would still allow law enforcement and intelligence agencies to use the PATRIOT Act to obtain a wide range of records in the course of terrorism- and espionage-related investigations, but it would require them to demonstrate that the records are in some way connected to terrorism or clandestine intelligence activities—which is not the case today.

This past week there was a strong bipartisan vote in the U.S. House of Representatives to curtail NSA's bulk phone records collection. Although the legislation didn't pass, the American people are demanding action and those who share our concerns are on the march. It is time to take action.

It is common sense that our law enforcement agencies should have reason to suspect a connection between the records they are seeking and a terrorism or espionage investigation before using these broad authorities to collect the private information of Americans. If the government can use these powers to collect information on people who have no connection to terrorism, then where does it end? Is there no amount of information that our government can collect that would be off limits? What is next—our medical records?

We must be able to put in place reasonable measures that allow our law enforcement agencies to pursue enemies who would try to harm us, while protecting our rights as Americans.

That is why I believe if an investigation cannot assert some nexus to terrorism or espionage, then the Government should keep its hands off the phone records of law-abiding Americans. These are the kinds of reasonable, commonsense limits on the Government's powers that Coloradoans tell me are necessary to keep us safe while also respecting our privacy.

That takes me back to the statement I made at the outset. I believe it is time to end the bulk collection program as we know it. Tonight I am calling on the White House to begin to make the administrative changes to end the bulk collection of Americans' phone records and to conduct the program instead through direct queries to phone companies where there is a connection to terrorism or espionage. Under this targeted approach, our Government would retain its broad authorities to investigate terrorism while ordinary Americans will be protected from overly intrusive surveillance activities.

Congress should support the administration's move in this direction by passing our legislation to end bulk collection. Passage of our bipartisan bill would prevent unwarranted future breaches of Americans' privacy rights and focus on the real threats to our national security.

Taking into account the serious privacy concerns raised by the bulk collection program, the lack of demonstrated unique value of the program, and our ability through direct queries to the phone companies to collect the data in the same but less intrusive way, I believe the administration—I hope the administration will see the value in working with Congress to end the bulk collection of phone records conducted under the PATRIOT Act's section 215 authorities. I pledge to work with the administration and all of my colleagues to see this through.

Let me end on this note. We need to strike a better balance between protecting our country against the threat of terrorism and defending our constitutional rights. The bulk records collection program as we know it today does not meet this balance test, and that is why I believe it must end.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, before he leaves the floor, I want to tell

Senator UDALL how much I have appreciated having him in that intelligence room, because he has been a strong advocate for making sure our country can have security and liberty in those classified meetings, just as he has done tonight. It is great to have him on the committee and to have him as a partner in these efforts.

He is so right when he stated tonight that this is a debate that should have begun long ago. It is a debate that should have been started by elected officials and not by a government contractor. I very much appreciate the Senator's remarks. I think he made it clear that we are going to stay at this until we get it fixed, and I very much appreciate his leadership.

As Senator UDALL has made clear, these issues are about as important as it gets. When you are talking about how you can secure these bedrock American values—security and liberty—this is right at the heart of what Americans care about most. For too long, my view is the American people have essentially been presented with false choices. Americans have been told they can have one or the other: They can have security or they can have liberty, but they cannot have both. Suffice it to say, in the last 8 weeks, as this debate has evolved, I think Americans have come to understand that this set of false choices is not what this debate is all about, and they deserve better.

As this debate has unfolded, whether you are in a lunchroom at work or a senior citizens center or you are looking at a political opinion poll, the polls have changed something like 20 points just in the last few weeks, with Americans saying, particularly, that the bulk phone records collection program is an intrusion on the rights of law-abiding Americans. Whether it is what citizens say at townhall meetings or what they say in the company lunchroom or in senior citizens centers, Americans have come to understand that these false choices are not what the discussion is all about. Americans have come to figure it out.

Frankly, a big part of the problem in the past—and I documented it last week—is leaders in the intelligence community have made misleading statements, repeatedly. It is not just a question of keeping the American people in the dark—which was true—but the American people were actively misled on a number of occasions.

Senator UDALL and I have been walking everyone through that. The bulk phone records collection program is often compared to a grand jury subpoena approach. That is about as farfetched as it gets. Even national security lawyers have made fun of that kind of argument in publications such as the Wall Street Journal.

Very often when I talk to lawyers—the distinguished Presiding Officer is, of course, a particularly illustrious lawyer and has taught in the field. I often say when I am visiting with lawyers, or I ask for a show of hands: Does anybody know of a grand jury subpoena where you can have the bulk collection of millions of phone records of law-abiding Americans? Come on up to me and tell me after the meeting is over.

I do not exactly get swarmed. The reason is there are not any.

One of the reasons I wanted to touch on these misleading statements is that, just in the last few days—Senator UDALL touched on this—there has been an effort to commingle the two programs. One of them is called the FISA 702 Program, the PRISM Program, which targets foreigners and has useful value. We have made that clear. It can be improved. I came to that conclusion when I was finally able to get declassified a finding from the FISA Court that on at least one occasion the Fourth Amendment had been violated in connection with the use of the 702 Program. But even with that, I am of the view that provides useful value.

But what a number of the leaders of the intelligence community have done is essentially commingled their advocacy of these programs so that 702 and the bulk collection program essentially ride together, when in reality, 702—which Senator UDALL and I have supported—I think we can improve it with these privacy reforms—in effect, 702 does all the work. The bulk collection program, which does intrude on the rights of millions of law-abiding Americans, is essentially along for the ride. But you would not know that when you hear these statements from a number of the leaders in the intelligence community, when they just say ''these programs,'' of course, are what keeps us safe.

In addition, I thought it was important to briefly start this evening by mentioning that over the last few days there have been a number of comments about whether the PATRIOT Act has violated the rights of Americans with respect to this bulk collection program. A number of commentators and others have said: ''Where are the violations? I haven't seen any violations.''

The Director of National Intelligence said last Friday, in a letter to you and me and Senator UDALL and 23 other of our colleagues: Yes, there have been violations of the PATRIOT Act—when he said specifically that the Government had violated court orders on the bulk collection of those phone records.

I am not allowed to discuss the classified nature of that, but I want to make sure those who are following this debate know that from my vantage point, reading those documents that are classified, these violations are more serious than have been stated by the intelligence community, and in my view that is very troubling. So I do hope Senators will go to the Intelligence Committee and ask to see those classified documents because I think when they read them—I think they will come to the conclusion to which I have come that, not only is what was stated by the Director of National Intelligence in that letter that was sent to you and me and Senator UDALL and 23 other Senators—not only was that correct, but I think Senators who read those classified documents will also come to the conclusion that the violations are more serious than they thought—than the intelligence community portrayed.

Let me, if I might, talk a little bit more about why we spent several years examining this bulk phone records program. First, I think it is important for citizens to know that the ability to conduct this secret surveillance that lays bare the personal lives of millions of law-abiding Americans, coupled with the ability to conjure up these legal theories as to why this is acceptable, and then have such limited oversight through this one-sided adversarial FISA Court, in my view, is an opportunity for unprecedented control over the private lives of Americans. That is why Senator UDALL and I have spent all this time focused on this issue.

I thought also tonight, and having done this before, I will provide a little more history as to how we got to this particular place. When I came to the Senate early on I had a chance to work with a number of colleagues who saw the extent of these problems—early on. One of them was our former colleague, Senator Russ Feingold.

Senator Feingold saw the problems that the PATRIOT Act posed before they were apparent to many Senators. He and his staff took the responsibility to protect both American security and American liberties very seriously. In 2007, the two of us came to understand that the PATRIOT Act was being secretly interpreted to justify the bulk collection of Americans' records, and we made it clear that we thought, first of all, that was something very different from what Americans thought was going on.

We thought it was very different, for example, from the plain reading of section 215 of the PATRIOT Act, and we thought that the language of the PATRIOT Act had been stretched beyond recognition because the language in the PATRIOT Act spoke to relevance and a sense that it was relevant to suspected terror activity, rather than something that created this enormous leap from what was in the statute that called for relevance to collecting millions and millions of records on law-abiding people.

So Senator Feingold and I dutifully set about to write classified letters to senior officials urging them to make their official interpretation of the PATRIOT Act public. We said at the time that for intelligence activities to be sustainable and effective, they have to be based on publicly understood laws and be consistent with Americans' understanding of their own privacy rights. This, in our view, was clearly not the case with the bulk records collection because, of course, the government's official interpretation of the

PATRIOT Act was a tightly guarded secret.

Back then in those early days we were rebuffed when we made repeated requests that the intelligence community inform the public what the government had secretly decided the law actually meant. In fact, there was a secret court opinion that authorized massive dragnet domestic surveillance, and the American people, by that point, were essentially in the dark about what their government was doing with respect to interpreting an important law.

In 2009, as the expiration of the date for the PATRIOT Act approached, Senator Feingold and I began to caution our colleagues and the public that our people were not getting the full story about the PATRIOT Act. At that time, we'd had the good fortune of having our colleague, Senator DURBIN, on the committee, and we all wrote public letters. We authored various articles. We wrote editorial pages for the newspapers and made statements for the CONGRESSIONAL RECORD. We raised issues about this to the extent we could at public hearings. But, of course, the Senate rules regarding the protection of classified information limited what we could say.

One point I have tried to make clear is the intelligence rules—the classification rules don't let a member of the committee tap the truth out in Morse Code. We have to comply with the rules, and they are very laborious. If we don't comply with the rules, we cannot serve on the Intelligence Committee and be a watchdog for some of these efforts that we think goes right to the heart of protecting American security and American liberty.

So we decided—a small group of us who shared these views—if we wanted to have the opportunity to play that watchdog rule, we needed to work within the rules. So we did everything we could—recognizing that we can't tap out classified information in Morse Code—to alert the public about what was going on.

After a series of short-term extensions, the PATRIOT Act came up for a long-term reauthorization in the spring of 2011. By that time, Senator Feingold had been replaced on the committee by Senator UDALL. He, as my colleagues know, shares these concerns about the bulk collection of phone records on millions of law-abiding Americans, and we are lucky he has been a prominent leader in the cause of protecting, security, and liberty.

During the 2011 reauthorization, Senator UDALL and I spoke to colleagues. We invited colleagues to secure settings so we could lay out what was actually happening, and many of those colleagues joined us on the floor to oppose the extension of the PATRIOT Act for 4 more years.

During that debate, I came to the floor and said:

When the American people find out how their government has secretly interpreted the PATRIOT Act, they will be stunned and they will be angry.

That week the Senate voted to extend the PATRIOT Act until 2015, but those of us who opposed the extension continued the fight in the months that followed.

At that time the NSA was also conducting a bulk e-mail records program in addition to the bulk phone records program that is ongoing today. Senator UDALL and I were concerned about this program's impact on our liberties and our privacy rights, and back in the Intelligence Committee, we spent a big chunk of 2011 pressing intelligence officials to provide evidence of its effectiveness. It turned out that the intelligence community was unable to provide any such evidence. Intelligence agencies have made statements to both Congress and the Foreign Intelligence Surveillance Court that—they had significantly exaggerated the effectiveness of the bulk e-mail program. When Senator UDALL and I pressed them to back up these statements, they couldn't do it. The bulk e-mail records program was shut down that year.

Our experience with the bulk e-mail records program showed us that the Intelligence Agency's assessments about the usefulness of a number of these particular programs, even big ones, are not always accurate. Now, that doesn't mean that intelligence officials were deliberately lying. In a number of instances—as far as I could tell—they believed their claims that the bulk e-mail surveillance program was effective, even though it was actually close to worthless. This was an important reminder that even if intelligence officials are well intentioned, they can be dead wrong, and that any policymaker who simply defers to intelligence officials' conclusions without asking to see their evidence is making a mistake.

As we looked at that evidence, Senator UDALL and I found that the claims about the effectiveness of the bulk phone records program also did not seem well supported by the facts. So in March of 2012, we wrote to the Attorney General expressly with this concern. In our letter we said:

In recent months we have grown increasingly skeptical about the actual value of [this] ''intelligence collection operation.''

And we added:

This has come as a surprise to us, as we were initially inclined to take the executive branch's assertions about the importance of this ''operation'' at face value.

The Department of Justice, unfortunately, decided not to respond to our letter, but we continued our efforts to educate the public and to call out senior officials from intelligence agencies and the Department of Justice as they repeatedly made misleading statements about domestic surveillance.

In June of this year, disclosures by the Washington Post and the Guardian newspaper revealed the fact of bulk collection to the American people. This sparked the debate that is now ongoing about whether offering up the personal records of ordinary Americans is the best way to protect our security and our liberty. This debate—as I indicated when Senator UDALL was on the floor—should have started a long time ago, but I am sure glad it is finally happening now.

The fact is that Americans' phone records can reveal a lot of private information. If you know, for example, that somebody called a psychiatrist three times in a week and twice after midnight, you know a lot about that person. If you are vacuuming up information on whom Americans call, when they call, and how long they talked, you are collecting an astounding amount of information about a huge number of law-abiding Americans.

The intelligence agencies try to emphasize that they have rules about who can look at these bulk phone records and when. There has been a lot said on cable by the talking heads on TV, and I want to emphasize, none of these rules require the NSA to go back to a court to look at Americans' phone records. None of these rules erase the privacy impact of scooping up all of these records in the first place. On top of that, as I indicated in the beginning, there have been a number of serious violations of those rules.

The Senators who got the letter last Friday know that, and I want to tell all the other Senators on both sides of the aisle that the violations—as I have touched on tonight—were a lot more serious than the public has been told. I believe the American people deserve to know more details about these violations that were described last Friday by Director Clapper.

I am going to keep pressing to make more of these details public. It is my view that the information about the details of the violations of the court orders with respect to the bulk phone record collection program—the admission that the court orders have been violated—has not been, I think, fully fleshed out by the intelligence community. I think a considerable amount of additional information can be offered without in any way compromising our national security.

If the impact on America's liberties wasn't bad enough, it is made even worse by the fact that this program—when we asked and asked—does not seem to have any unique value. I will explain briefly what it means.

Mr. President, I ask unanimous consent for 7 additional minutes.

The PRESIDING OFFICER (Mr. DONNELLY). Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I will see if I can beat the clock because I know colleagues are waiting. In fact, Senator BALDWIN has been a great advocate for liberties and showing that liberty and security are compatible, both when she was a Member of the other body and here when she was part of our group, and I thank her for it.

Intelligence officials can only point to two cases where this program—the

bulk phone records collection program—actually provided useful information about an individual involved in terrorist activity. In both of these cases, the government had all the information it needed to go to the phone company and get an individual court order and emergency authorization for the phone records they needed.

In both of these cases, the individuals who were identified using these phone records were arrested months or years after they were first identified, but if government agents believed that the situation was urgent, they could have used emergency authorizations to obtain their phone records more quickly. I am glad both of these cases resolved the way they did. I am proud that our intelligence agencies and law enforcement individuals were able to identify and arrest those who were involved in terrorist acts.

In one case four men in California were arrested for sending money to a militant group in Somalia. In the other case they arrested a co-conspirator of Mr. Zazi a few months after Zazi's plot was disrupted. These men committed serious crimes. They are now being punished with the full weight of the justice system.

What I don't see, however, is any evidence that the U.S. Government needed to operate a giant domestic phone records surveillance program in order to catch these individuals. I have seen no evidence—none—that this dragnet phone records program has provided any actual unique value for the American people. In every instance in which the NSA has searched through these bulk phone records, it had enough evidence to get a court order for the information it was searching for.

Getting a few hundred additional court orders every year would clearly not overwhelm the Foreign Intelligence Surveillance Court. The intelligence agencies may argue that collecting Americans' phone records in bulk is more convenient than getting individual court orders, but convenience alone does not justify the massive intrusion on the privacy of ordinary Americans. I believe it is vitally important to protect the safety and liberty of our people. I don't see any evidence that this program helps protect either. That ought to be the standard of any domestic surveillance program. If the bulk collection program doesn't protect privacy or security, then it ought to end—plain and simple.

The executive branch simply has not shown anything close to an adequate justification for this massive dragnet surveillance that has compromised the civil liberties of millions of Americans. I am not sure they ever could, but I am confident that I have not seen it as yet.

Now, let me close by way of saying that over the last few weeks we have seen extraordinary support for reform. Last week over 200 Members of the other body voted to end the bulk phone records collection program, and a number of the Members who voted against ending it at that time made it clear they have serious concerns they want to address. So there are going to be more votes. Make no mistake about it, there are going to be more votes on whether to end the bulk collection of phone records on law-abiding Americans in the 113th Congress. And there are going to be efforts to reform how the entire U.S. surveillance system works.

One of the most important reforms will be to make the significant rulings of the Foreign Intelligence Surveillance Court public, which is a goal I have been pursuing for several years.

Additionally, I believe Congress needs to reform the process for arguing cases before the court. Right now the government lawyers walk in with an argument for why the government should be allowed to do something, and there is no one to argue the other side. That is not unusual if the court is considering a routine warrant request, but it is very unusual when a court is doing major legal or constitutional analysis.

I believe Congress needs to create a way to advocate for the public—a public advocate to argue cases before the court, because making this court more transparent and more adversarial is a way to ensure that Americans can have security and liberty. Of course, the relevant provisions of the PATRIOT Act itself will be expiring in 2015. I don't think there is any reason for the administration to wait for Congress to act.

The executive branch can take action right now. They can and should continue to obtain the records of anyone suspected of connections to terror or other nefarious activity, and at the same time they can restore protections for Americans' Fourth Amendment rights. I am very interested in working with the administration on these issues, but they can move of their own volition.

One way or another, we are going to stay at this until, at this unique time in our constitutional history, we have revised our surveillance laws so we can have security and liberty. Colleagues are coming to this cause. Senator BLUMENTHAL has particularly recommended a number of constructive FISA Court changes over the last few months. I hope colleagues will support that, and I hope they will see this unique time in our history when it is critically important that these surveillance laws that I and Senator UDALL have talked about tonight can be reformed and we do it so as to protect the bedrock of American values, both security and liberty.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that I and Senator BLUMENTHAL from Connecticut and Senator BALDWIN from Wisconsin and, if he is able to join us, Senator MURPHY from Connecticut be allowed to engage in a colloquy.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE

Mr. WHITEHOUSE. Mr. President, my colleagues and I have come to the floor to talk about an issue that is at the heart of the discussion of our national debt and deficit; that is, health care spending.

These days around Washington, there is a regular refrain echoing through the hallways: In order to fix our deficit, we must cut Medicare and Medicaid benefits. That is wrong. That idea is, according to the former CEO of Kaiser Permanente—somebody who knows a little something about health care—and I will quote him:

> . . . so wrong it's almost criminal. It's an inept way of thinking about health care.

I could not agree more.

It was put this way by Froma Harrop, who is a columnist for my hometown paper, the Providence Journal. I will quote her: ''The dagger pointed at America's economic viability hasn't been the existence of government programs like Medicare, it's been the relentless rise in health care costs that plagues not only Medicare and Medicaid, but everyone who uses health care.''

Attacking Medicare and Medicaid ignores the fact that our health care spending problem is systemwide and not just unique to Federal programs. Our colleague Senator ANGUS KING has used the colorful metaphor that to go after Medicare and Medicaid when the problem is our health care system would be like attacking Brazil after Pearl Harbor—wrong target. It ignores the fact that we operate a widely inefficient health care system: 18 percent of our GDP compared to only 12 percent for our least efficient international competitors.

So how can we continue to stem the rise in costs and improve our wildly inefficient health care system?

Thankfully, many of the tools necessary to drive down costs have an interesting collateral benefit. They actually improve the quality of care for patients. The Affordable Care Act included 45 different provisions dedicated to redesigning how health care is delivered for the benefit of patients and taxpayers. These reforms support and encourage an ongoing delivery system reform movement—and there truly is a movement out there—driven by dedicated providers, payers, employers, and even some States that have worked for years to improve the quality and the safety and the effectiveness of health care.

We are not discussing hypothetical improvements. We are not discussing theoretical cost savings. Today I am joined on the floor by colleagues who have seen how delivery system innovators in their States have achieved real improvements to quality, real improvements in patient outcomes, and real cost savings. In Congress, we can't get over yesterday's

quarrels about repealing or defunding ObamaCare, but out there in the real world health care leaders across the country are innovating forward, places such as the Cleveland Clinic in Ohio, Intermountain Healthcare in Utah, Geisinger Health System in Pennsylvania, Gundersen Lutheran in Wisconsin, Palmetto Health in the Carolinas, and in Rhode Island, among other places, our own Coastal Medical.

One Rhode Island practical example: When intensive care unit staff follow a checklist of basic instructions—washing their hands with soap, cleaning a patient's skin with antiseptic, placing sterile drapes over the patient and so forth—rates of infection plummet, and the costs of treating those infections disappear—no infection, no cost.

These reforms have the triple benefit of protecting Medicare and Medicaid, improving patient outcomes, and dialing back health care spending for all Americans. How big is it? The President's Council of Economic Advisers has estimated that we could save approximately $700 billion—that is billion with a ''b''—$700 billion every year—every year—in our health care system without compromising health outcomes. The Institute of Medicine took a look at the same question. They put the savings number at $750 billion.

Other groups are even more optimistic. The New England Health Care Institute has reported that $850 billion could be saved annually. The Lewin Group and former Bush Treasury Secretary Paul O'Neill—who as the CEO of Alcoa is deeply involved in the reform efforts in Pennsylvania that have been very successful and knows a fair amount about this—they estimate an annual savings of a staggering $1 trillion.

Whatever the exact number is, what is clear is there is huge potential for savings in our health care system while improving or maintaining the quality of care. Since the Federal Government does 40 percent of America's health care spending, when we get that right, taxpayers as well as patients become big winners from these reforms.

I will close with two points: First, many of us are asking the Obama administration to set a hard cost savings target for these delivery system reform efforts. It may be $750 billion. Pick a number that will be a target to be actually achieved. A target—a measurable goal—will focus and guide and spur the administration's reform efforts in a manner that vague intentions to ''bend the health care cost curve'' simply cannot.

Second, we need to put the full force of American innovation and ingenuity into achieving that serious cost savings target for our Nation's health care system. It is hard to do that without that target to strive toward.

This is an issue where our Republican colleagues should be able to join us to accelerate these reforms in our health care delivery system and to move forward beyond tired-out calls to repeal ObamaCare so we can deal with the ongoing reality of health care reform.

Let's give American families the health care system they deserve. Instead of waste and inefficiency, poor outcomes and missed opportunities, let's give them a health care system that is the envy of the world.

I yield for my colleague, Senator BALDWIN.

Ms. BALDWIN. Mr. President, I thank my colleague for convening us and for giving us an opportunity to discuss the important topic of delivery system reform and to highlight some of the innovations that are occurring in our own States.

I heard Senator WHITEHOUSE talking about moving forward. It is actually the motto of the State of Wisconsin. One simple word: ''Forward.'' Throughout our State's history, that motto has well represented our leadership in extending high-quality and affordable health care.

Our health care providers and payers have pioneered forward-looking reforms that improve the quality of care and lower costs for families and for businesses. We are home to world-class, highly integrated health care systems. We make quality and outcomes data widely accessible to providers so they can measure their success against their peers. We stand at the forefront of using and advancing health care information technology. All of this affords some of the highest quality care in the country at a competitive cost.

Congress has a lot to learn from Wisconsin's health care delivery systems. A recent Institute of Medicine report reinforced what we have known for a long time: that geographic variation in health care spending and utilization is real and that variations in health care spending are not consistently related to health care quality. For every State such as Wisconsin with higher quality outcomes and lower costs, there are five other States faring worse. Even within States, the regional variation in health care spending and quality is troublesome.

Unfortunately, instead of advancing and fostering forward-thinking innovations such as those working in Wisconsin, far too many of my fellow lawmakers are looking backward when it comes to health care. In the House of Representatives, the Republican leadership has scheduled votes to repeal or defund the Affordable Care Act almost 40 times. Some State governments—including, unfortunately, my own—have refused to move forward with America's new health care law and are undermining its effectiveness at every chance possible. Now some of my colleagues in the Senate are threatening to shut down the government if investments in our health care system are not stripped out of our budget entirely.

Families and businesses in Wisconsin and across the country are tired of these political games. For as long as some of my colleagues and some of the Governors across this country remain glued to the past, waging political fights based on pure ideology, we lose golden opportunities to move health care reforms in our country forward. We should all be focused on building a smarter and more affordable health care system, not trying to tear down the law of the land.

That is why I am so proud to stand on the floor with my colleagues tonight, committed to moving our Nation's health care system forward. By building on the best reforms to our health care delivery system that are embedded within the Affordable Care Act and making new improvements to how we deliver care in our country, we will lower health care costs, improve quality and strengthen our economic security and reduce the deficit. Better yet, we will have more States with health care systems such as Wisconsin's, and Wisconsin's system will be improved as well.

The possibilities are exciting. I think one of the things Senator WHITEHOUSE just mentioned bears repeating: There is widespread agreement that significant savings can be achieved in our health care system without compromising the quality of care. The figures he cited bear repeating: The Lewin Group and the former Treasury Secretary Paul O'Neill have estimated that we could save $1 trillion per year without affecting health care outcomes by enacting smart, targeted health care delivery reforms. The New England Health Care Institute pegged that number at $850 billion annually, the Institute of Medicine estimated this number to be $750 billion, and the President's Council of Economic Advisers foresees savings at $700 billion a year. No matter the exact figure, these are impressive savings that would strengthen our entire Nation.

The Affordable Care Act has sparked this hard work of transforming health care delivery. The law provides health care practitioners with incentives to better integrate care, increase quality, and lower costs. These efforts are producing impressive results in Wisconsin. For example, the Pioneer Accountable Care Organization Program has offered financial incentives to meet quality and Medicare savings benchmarks. Bellin-ThedaCare Healthcare Partners in northeast Wisconsin has excelled with this program. In its first year of participation, Bellin-ThedaCare earned $5.3 million in shared savings and lowered costs for its 20,000 Medicare patients by an average of 4.6 percent. While not every pioneer ACO has been as successful, the CMS Office of the Actuary believes this program could save Medicare up to $1.1 billion over 5 years by simply better coordinating care.

Wisconsin boasts six additional health care providers participating in the law's traditional Accountable Care Organization Program which the Department of Health and Human Services estimates could save up to $940 million over 4 years. Wisconsin health care providers are also taking part in

the Affordable Care Act's Partnership for Patients to improve health care quality. This public-private partnership engages hospitals, businesses, and consumer groups with the goal of preventing injuries and complications in patient care—including hospital-acquired conditions. The administration estimates that reducing medical errors and preventing conditions will save up to $35 billion in health care costs.

Another public-private partnership—the Affordable Care Act's Million Hearts Initiative—is preventing heart attack and stroke. Cardiovascular disease costs this country $440 billion per year in medical costs and lost productivity. The initiative seeks to deliver better preventive care to stop 1 million strokes and heart attacks by the year 2017—in part by utilizing innovative technology. Wisconsin's own Marshfield Clinic designed a winning mobile application for the initiative. The app will encourage patients to get their blood pressure and cholesterol checked and to work with their health care providers to improve their heart health.

Finally, the Affordable Care Act has empowered the CMS Innovation Center to develop new ideas to improve health care quality and lower costs for people enrolled in Medicare, Medicaid, and the Children's Health Insurance Program. A number of the center's projects are currently underway in Wisconsin. For example, the Children's Hospital of Wisconsin, Aurora HealthCare, and the Wheaton Franciscan Healthcare system have created a model to decrease emergency room visits for children. The estimated 3-year savings of that project is almost $3 million. In addition, the Pharmacy Society of Wisconsin is utilizing a provision in the Affordable Care Act to better integrate pharmacists into clinical care teams. That initiative is set to save over $20 million in 3 years.

This represents a small sampling of the delivery innovations being promoted through the Affordable Care Act that are saving us money right now. These parts of the law are empowering Wisconsin health care providers to provide higher quality care at reduced costs. Public officials who advocate for repealing the Affordable Care Act would end these impressive initiatives as well. Instead, we must build on these delivery reforms, as so much more can be done.

To name two priorities, Wisconsin cardiologists have developed an innovative integrated network called SMARTCare to deliver better more efficient care for a vulnerable patient population. The Department of Health and Human Services should encourage this coordinated care model by investing in it and measuring its results.

We should improve the law to increase access to Medicare claims data. The Wisconsin Health Information Organization currently holds over 65 percent of health insurance claims data in the State—from private insurers and from Medicaid. The organization shares that data with health care providers so doctors can compare their performance—in terms of quality and cost—against their peers. This data-sharing promotes competition and it lowers cost. But due to current law, the organization cannot access Medicare data. If we open Medicare claims data, we will further improve quality and we will lower costs.

Lawmakers have a clear choice: Go backward and try for the 40th time to repeal the Affordable Care Act or put progress in our country ahead of politics. We welcome our colleagues to join us in moving our country and our health care delivery system forward.

I now yield for Senator MURPHY.

Mr. MURPHY. Mr. President, I thank very much Senator BALDWIN and thank the State of Wisconsin for, in a lot of ways, leading the way and showing us what is possible when it comes to delivery system reform.

It is pretty amazing some of those statistics Senator BALDWIN used when she talked about how much waste there is in the system today. The estimates are from the Council of Economic Advisers, $700 billion; from the New England Healthcare Institute, $850 billion. To put that in context, even if the median of the two is right—somewhere in the high $700 billion range—that is $100 billion more than we spend every year on the military. That is enough money to provide coverage for 150 million more Americans. That is enough to pay the salaries of every single first responder personnel in the country, including firefighters, police officers, and EMTs for over a decade.

It is an enormous amount of money that we are wasting today because we have a reimbursement system, as Senator WHITEHOUSE said as well, that essentially rewards providers and hospitals and health care systems for providing volume rather than providing quality.

We understand there is not a single health care provider in the country that does not get into this if not for their desire to provide quality health care. There is no malevolent motive involved here. But, ultimately, when you have to keep your doors open—as a medical practice, as a hospital, as a nursing home—and you get paid more the more medicine you practice and the more treatments you order and the more tests you have your patients undergo, then you are going to follow the money. It is time we reorient our reimbursement model under Medicare and Medicaid, and in partnership with our private insurers, so we are reimbursing based on the quality of medicine and the quality of the outcomes you provide rather than on how much stuff you order or prescribe.

Let me talk about three examples of how we have succeeded already when it comes to changing the model of reimbursement.

First, the issue of readmission rates. When you go into a hospital for a surgery, that hospital is going to get a set fee for the surgery and for the amount of time you spend in the hospital afterwards. It is called a bundle payment. Bundle payments are good because what it does is it encourages you to essentially use your resources wisely because you are not going to get paid more if you keep the person in the hospital for 10 days than if you keep the person in the hospital for 5 days.

But here is the problem when it comes to the care people were getting after a particular surgery. Because the hospital got a set payment for that period of time, they had an incentive to push the person out of the hospital as quickly as possible. That was an incentive not only because the payment itself did not get bigger the more amount of time you were in the hospital, but it also was incented that way because if the person went home too early and then they came back again to the hospital, the hospital got a second bundle payment when they came back. And if they came back a third time and a fourth time, they got another payment.

So what was happening is there was an incentive to send people home before they were ready because not only would that save you money on the first bundled payment, but it actually made the hospital or the health system money in the long run because the person came back a second or a third or a fourth time.

I do not think there was a single hospital in the Nation that was deliberately misaligning their care so they would have people coming back to the hospital a second or a third or a fourth time. I am not suggesting people were trying to game the system in that way. But what certainly was happening was that without an incentive that pulls you the other way—get the care right the first time—there was, unfortunately, insufficient care being provided.

So the health care bill says: Listen, we will pay you for maybe the first readmission, maybe for really complicated procedures we will pay you for a second readmission, but at some point there has to be an end to this model. At some point it has to be up to you as the hospital or as the health care provider to get the care right the first or the second time so we are not on the hook for readmissions occurring times three or times four. That is a pretty simple change, but it can save hundreds of millions of dollars.

The second example is accountable care organizations. We set up a bunch of Pioneer accountable care organizations. These are bigger systems of care, where you have primary care doctors networked with specialty care providers, working under one umbrella to coordinate the care of the sickest patients. There are different numbers, but they all tell the same thing, which is that the sickest 5 or 10 percent of patients in the country are taking up about 50 percent of annual medical expenditures. So if you do a better job of

coordinating the care of that small percentage of the medical population, you are going to save a lot of money.

Accountable care organizations can do that. Instead of having siloed care, where a co-morbid patient goes to a primary care doctor over here, then a specialist here, then a specialist there, if they are all under one roof and they are talking to each other, then you can save a lot of money just by coordination. That is the theory. So the health care reform act put that theory into practice. It set up a pilot program by which Pioneer accountable care organizations—essentially, a beginning set of accountable care organizations—would be set up under a model through which Medicare would say: If you save money, we are going to deliver back to you some of those savings so that, in fact, there is not a disincentive to practice less medicine because if you practice less medicine, Medicare will take some of the savings and it will share with you some of the savings.

Well, we have only had a year or so of returns from this model, but the results are pretty stunning. The average increase in costs per beneficiary has been—in the Pioneer ACOs—less than 50 percent of that for non-Pioneer ACO models. That is a pretty significant savings.

In addition, go back to this question of readmissions. In 25 of the 32 Pioneer ACOs, there was a lower risk-adjusted readmission rate than in non-Pioneer ACOs. Coordinated care where you are reimbursing an organization as opposed to just the individual physicians actually saves you a lot of money.

Then third, the issue of outliers. What you find when you look at the data—and it may be that Senator WHITEHOUSE talked about this—is that sometimes 60, 70, 80 percent of the system is practicing good medicine at the right cost, and it is really only a small handful of providers that are way outside of the median and all you have to do, when it comes to some subsets of reimbursement, is bring those outliers back into the median.

Home care was a great example. In the Accountable Care Act, we said that for home care providers that had utilization rates that were far outside the median, we were going to stop reimbursing for those episodes that were far outside the median. CBO was not sure how to score it because they did not really know that was going to change people's practice. But it did. And it is estimated that single change, in controlling for the handful of outliers when it comes to high utilization rates in the home care line item, is going to get us almost $1 billion in savings over a 10-year period of time.

When you look at home care, actually it is only a handful of areas in which you have these outpaced utilization rates compared to the rest of the country. It is places in Texas, it is places in certain counties in Florida. Most of the country is right where you should be. So part of reforming our delivery system is also taking care of these outliers.

We have seen savings, whether it be in controlling readmission rates, setting up accountable care organizations, or taking on outliers within our home care system.

Now it is time to do more because, before I turn it over to my good friend Senator BLUMENTHAL, here is where the rubber hits the road.

In about 10 years, Medicare starts taking in less money than it sends out. It does not go bankrupt all of a sudden, but it starts to become fiscally insolvent. There are only a handful of ways to stop that reality from happening. You can either ask beneficiaries to pay more out of pocket; you can cut their benefits, give them less; you can ask people to pay more into the system while they are working or you can make the system more efficient.

It may be that we have to do a mix of those. But clearly the first three are not that palatable: reducing benefits, increasing copays, or increasing taxes. This is not a partisan issue. Both sides agree that in 10 years we have an accounting problem in Medicare. Both sides agree that we have to make changes today in order to stop that crisis from occurring.

It strikes me that if the most conservative Republican and the most liberal Democratic sat down at a table and looked at those four options—increased copays, reduced benefits, increased taxes, or increased efficiencies—we would all agree. The conservative Republican and the liberal Democrat would agree, along with probably every other Member of this body, that is the first place you should go is to reduce inefficiencies. That is what the delivery system provides. So we have set up a working group here in the Senate which is beginning its work this week, that Senator BALDWIN, Senator WHITEHOUSE, Senator BLUMENTHAL, I, and others will be building over the course of the late summer and fall. We hope it will draw interest from both sides of the aisle so we can start to put some meat on the bones when it comes to the changes in our delivery system that can be made to increase efficiencies so as to forestall the need to balance the Medicare books on the backs of taxpayers, workers, or beneficiaries.

With that, let me yield the floor to my great friend from Connecticut, someone who both as a Senator and our State's attorney general has been fighting for health care consumers for a long time, Senator BLUMENTHAL.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I want to thank my colleague, CHRIS MURPHY. Senator MURPHY has been a long-time champion on this issue. My colleagues may wonder why two Senators from Connecticut, both of our Senators, are here on the floor and part of this working group seeking to lead on this critically important issue of health care delivery.

The answer is we come from a State where it is working. We have seen the future in Connecticut's health care delivery system. It is still a work in progress, a lot of work still to be done, but Connecticut hospitals and providers and insurers and patients know it has to be our future, that cutting cost is essential to preserving and enhancing quality. Let me emphasize how important that basic principle is, because a lot of our colleagues believe there is a choice here between cutting costs and quality, that quality cannot be enhanced if we cut costs.

In fact, the opposite is true. Cutting the cost of health care is key to enhancing and improving quality. It is the way we will reduce premature discharges from hospitals, that we will diminish the number of discharges from hospitals without proper rehabilitation plans, and cut the number of hospital-acquired infections. It is not only possible to do but it is essential. It is a way we avoid the false choice—and it is a false choice—between preserving Medicare on the one hand and avoiding increasing copays, decreasing benefits, or increasing taxes, as my colleague from Connecticut has said.

I reject every one of those options as necessary to preserving Medicare. Increasing copays, decreasing benefits, or increasing taxes is not the way. In fact, increasing efficiencies and avoiding unnecessary wasteful and indeed harmful costs are necessary to preserve Medicare.

My mother taught me a number of things. She said, No. 1, if you don't have something nice to say about someone, don't say anything. So I am not here to say not-so-nice things about the folks who say we ought to cut Medicare benefits. But I would oppose those kinds of cuts as unnecessary and harmful.

She also said an ounce of prevention is worth a pound of cure. In fact, that basic truth is what will help save our health care system. Prevention of costs, prevention of illness, prevention of obesity and smoking, and other kinds of diseases and conditions that lead to increased health care costs are essential to this effort.

My mother said also listen to your younger brother. My brother, Dr. David Blumenthal, has been a pioneer and an expert in this area. As much as it pains me to acknowledge that my younger brother knows a lot more about this subject than I do, in fact, he has been able to enlighten me and many of our colleagues here on this point. I mention him and the others who are experts and pioneers in this effort. He is one of many who have advised and provided that kind of enlightenment.

Because there is no more kind of guesswork as to whether advances can be made in this area by cutting costs and raising quality. It has been documented. There are projections. It can be costed out. It can be scored, in my view. It can be the basis for action by my colleagues here in seeking to cut

costs that are skyrocketing out of control.

I have seen these reforms at work throughout the State of Connecticut. This issue is of national importance, but it hits hospitals and providers in every one of our States. I have seen it and listened to folks who work at places such as St. Vincent's and Bridgeport Hospital, in Bridgeport; St. Mary's Hospital in Waterbury; Yale-New Haven and Greenwich Hospital, Middlesex Hospital. All around the State of Connecticut, I have seen the checklists at work, the protocols for hand washing, the increased attention to quality care that has helped reduce costs. They have helped improve patient care while reducing cost. They reject this false choice between quality and cost cutting. Both are possible. Both are essential.

We hear so much rhetoric about the Affordable Care Act in Washington. But in Connecticut, we see tangible examples of how it is working and making a difference. The implementation of the Affordable Care Act is a historic opportunity for continuing this work and expanding it nationwide. We need to continue our dedication to health care reform.

My colleagues and I have come to the floor today to call for smart reform that helps patients and avoids harm to them, and does not discourage providers from being a part of a Federal health care program. In fact, we need to identify areas of reforms within the health care system that we can address that will strengthen health care in this country and address the serious concerns about the skyrocketing costs of health care.

We have seen a slowdown in the growth of national health care expenditures over the past year. But slow growth certainly does not mean a decrease in overall expenditures. Smart policy decisions require that we address the ongoing problem of health care spending in this country, and turn a corner for the good by reducing the current costs.

I am concerned that there are shortsighted strategies, such as taking money from the Prevention and Public Health Care Fund established under the ACA, which has been a tactic unfortunately used by both parties in financing programs. That tactic will undermine our long-term efforts at reducing health care spending. The Prevention and Public Health Fund is used in Connecticut for programs such as mental health services and substance abuse prevention, as well as public health research and surveillance.

These measures will ultimately result in lower health care spending through prevention and preventive health care. But we need to stay committed and stay the course. What we need to do now is to continue to work toward developing a sustainable health care system, through structural reforms such as the accountable care organizations, health maintenance organizations, patient-centered medical homes that have provided advances in this area, and have created provider organizations that lead to greater provider acceptance of responsibility for health care outcomes in their patients.

Measuring the success of those organizations requires taking a closer look at whether the savings and outcome improvements actually materialize. We have to be hard-headed and clear-eyed about whether they are working. The metrics must be applied. We need to measure success. Measurements are possible; as I said at the outset, no longer a matter of guesswork. There are scientific-based measurements.

The success of these organizations will have more to do with how they are run than with how they are structured. As sophisticated as many of our health systems are, the development of process goals has only recently become a consideration. The Association of American Medical Colleges recommends, for example, the use of surgery checklists through their best practices program.

Peer-reviewed studies have shown that the use of comprehensive checklists is associated with reductions in complications and mortality during surgery. But they are most successful when health care organizations subscribe to a culture of safety. That culture of safety and prevention is essential.

Some hospitals in Connecticut have been rewarded through the Medicare Program for their commitment to improving quality through the use of process measures: Bridgeport Hospital, St. Mary's Hospital in Waterbury, Middlesex Hospital have all seen increases in reimbursement rates through the Value Based Purchasing Program.

Again, the Federal Government can provide incentives and encourage and support this effort. Manchester Memorial Hospital, Hartford Hospital, and Rockville General Hospital all have avoided Medicare penalties by lowering their readmission rates. While payment differences for these programs represent a small portion of the overall Medicare payment, hospitals should continue to be rewarded for addressing these issues.

I want to conclude by drawing attention to some of the innovative work being done in my State of Connecticut around delivery reform and data collection. I have mentioned the importance of measurements and metrics. Much of the work is supported by grants that were made available through the Affordable Care Act. But it has been the State itself that has decided how exactly to use these funds. While Connecticut has established a working group around innovative reforms which continues to work on specific proposals and recommendations for reforming the health care system, one of the areas of focus has been to ensure integrated clinical data exchange between health care providers.

Connecticut has invested in interoperable health information technology systems and developing an all payers claims data base to create comparable, transparent information that can be better used to understand utilization patterns and enhance care access.

One of the most basic aspects of reforming any system should be a clear understanding of where the biggest problems lie, and yet we still lack the data necessary in many systems to truly understand where the unnecessary spending is taking place. It is like a diagnosis of any kind of medical condition. Facts are essential. Data is key, and I believe an investment in information technology and data collection activities will help inform payers and consumers about where our health care dollars are being spent, where they are being spent most effectively, and where we can reduce spending that will ultimately enhance health care outcomes.

Connecticut is taking a considered and insightful approach to obtaining and utilizing data while considering the needs of consumers and looking toward developing stronger programs for telemedicine and provider coordination. Technology is advancing. Data collection can help implement technology where it does the most good.

We need tangible goals for long-term reform, and that is part of the work that we have described and we are undertaking as part of our task force.

I know my colleagues this evening all agree with me that we need to continue this work and take advantage of advancing technology, the metrics that are now being sampled, of good practices, leadership of providers, the medical community, and good ideas wherever they are and whoever is willing to offer them.

I wish to thank my colleagues for joining in this effort, and I look forward to returning on this subject.

HOUSING ASSISTANCE

Mr. BLUMENTHAL. Mr. President, I wish to express my strong support for the Transportation-HUD appropriations bill and take a moment to explain an amendment that I have filed to this bill that ensures that men and women who have bravely served our country cannot be discriminated against in the housing assistance these appropriations provide.

I wish to thank Senator MURRAY and Senator COLLINS for their leadership, as well as other colleagues.

One of the problems I have heard described to me by veterans relates to discrimination when they return home after serving our country abroad and they become a civilian. One of the first things they often try to do is find a new home, often in a location far from their original home where they may not be known, where they enlisted but now have left. It may also be far from the military installation where they used to call home.

Fortunately, almost all Americans across our country rightly welcome our

heroes home, and they welcome them with open arms. Unfortunately, I have seen reports, and I have heard descriptions of instances where landlords would not rent to veterans simply because they served our country in uniform, and I find this practice absolutely unconscionable.

I wish to tell you about the case of SGT Joel Morgan, a combat veteran who bravely served our country in Iraq. Sergeant Morgan, upon leaving the military, wished to rent an apartment in Boston. He found one that he liked.

Unfortunately, after hearing about Sergeant Morgan's service to our country, the landlord said she wouldn't feel comfortable renting the apartment to Sergeant Morgan because she opposed the war in which he fought.

According to Sergeant Morgan, the landlord said:

> I would suggest you do the right thing and look for a place less politically active or controversial.

The place where he wanted to live was Boston. This kind of treatment is simply unacceptable to our veterans who have sacrificed so much.

It is a matter of common knowledge that veterans of these recent wars have high unemployment rates, higher than we should accept, higher than is conscionable for this country to accept. Among younger veterans, that unemployment rate is intolerably high, and many landlords may believe that an unemployed veteran simply isn't a good prospect for paying the rent.

My amendment would prohibit any funding in this bill from going to people or organizations that discriminate against veterans in housing. It would allow anyone who sees a discriminatory practice to report it to the Department of Housing and Urban Development and directly to that agency's inspector general. It also allows HUD to continue its existing programs to support veterans and servicemembers.

This amendment will ensure that those who fight for our freedoms will not have to find or fight for a place to call home. Discrimination against anyone, including men and women who have valiantly served, has no place in our Nation.

I look forward to working with the Department of Housing and Urban Development, which has done so much to protect Americans from discriminatory housing practices, on ways we can ensure that servicemembers and veterans are not the victims of discrimination. As we work for a permanent solution on so many of these difficult problems—providing veterans with counseling, health care, jobs counseling, training, and education that they need and keeping faith with them so that we leave no veteran behind—we should make sure we leave no veteran out of housing because of discrimination.

One of the solutions will be amending the Servicemembers Civil Relief Act to ensure that housing protections are extended to all who have served in uniform. I believe this amendment is an important step forward. Simply put, it will protect all who have protected our country. Protecting them is a matter of keeping faith and making sure that we leave no veteran behind.

I know the Veterans' Affairs Committee is hard at work on many of these issues. I am proud to serve on that committee and thank Chairman SANDERS for his profoundly important leadership on this issue, along with Ranking Member BURR.

I look forward to extending and expanding these protections for our bravest and finest men and women who have helped to protect our Nation.

I yield the floor.

FEDERAL FUNDING PROHIBITIONS OBJECTION

Mr. WYDEN. Mr. President, consistent with Senate standing orders and my policy of publishing in the CONGRESSIONAL RECORD a statement whenever I place a hold on legislation, I am announcing my intention to object to any unanimous consent request to pass S. 101 Federal funding prohibitions unless it clarifies that it will not prohibit payments under the Secure Rural Schools and Community Self-Determination Act.

This legislation, as currently drafted, has the potential to impede critical payments to over 700 rural and forested counties all across the United States. Those payments are paid to counties with Federal forest lands under the Secure Rural Schools and Community Self-Determination Act, and they are part of the Federal Government's guarantee to share funding from the Federal forests with the counties in which those forests are located. Declining receipts spurred the creation of this program to compensate for the loss of receipts from Federal forests. Many counties depend on this funding to pay for schools, roads, and other important county services—including funding search and rescue operations on Federal lands. Particularly in tough economic times, these payments have been a lifeline to many counties. It is not an exaggeration to say that some of these counties might face bankruptcy without these payments. Because of the importance of these payments to many county budgets and the fact that many of them might be in a very vulnerable financial situation without those payments—including several counties in my home State of Oregon—this legislation might very well impact them and prohibit these critical payments. I simply cannot let that happen. This program has consistently received bipartisan support, and it should not be arbitrarily be limited by S. 101.

Therefore, I must object to this legislation moving forward until it is explicitly clarified that it will not block any of these critical payments. Until that occurs, I will object to a unanimous consent request to pass the legislation.

TRIBUTE TO ERNEST CARY BRACE

Mr. MCCAIN. Mr. President, today I honor a man whose bravery and sacrifice for this country have had no bounds; a fellow prisoner of war who I am proud to call my friend. This great American hero is Ernest C. Brace, and he was just authorized to be awarded the Purple Heart and Prisoner of War Medal.

Mr. Brace was the longest held civilian prisoner of war in Vietnam, held captive for nearly 8 years. He was captured while serving as a civilian pilot for USAID and assisting Lao Special Forces United, who were organizing the civic action teams for hospitals and supply bases. He was captured by communist forces in Laos in 1965 and held prisoner in the jungle under some of the most horrific conditions imaginable for 3 years until he was moved to a prison camp in North Vietnam. It was there that Ernie and I shared neighboring cells for over a year. Amidst the pain and cruelty of our time together, I also vividly remember our conversations, Sunday night storytelling sessions, and how we kept each other's spirits up during those dark days when our hope never wavered.

After his release, Mr. Brace married a nurse, Nancy, that he met at Naval Medical Center in San Diego, moved to Klamath Falls, OR, and resumed his career as professional aviator. Preceding the Purple Heart and Prisoner of War Medal, Mr. Brace earned the Distinguished Flying Cross, the Air Medal, with 3 stars, Navy Unit Commendation, a Distinguished Public Service Medal, a National Defense Service Medal, a Korean Service Medal, with 2 stars, a United Nations Korea Medal, and the Korean Presidential Unit Citation.

I ask you all to join me in congratulating this incredibly brave man and American patriot, my friend Ernie Brace, on this long overdue recognition.

CONSENT TO DISCHARGE AND REFERRAL

Ms. MURKOWSKI. Mr. President, last week the leadership sought unanimous consent to discharge S. 1294, a bill to designate as wilderness certain public land in the Cherokee National Forest in the State of Tennessee, from the Senate Energy and Natural Resources Committee and to rerefer the bill to the Agriculture Committee. I am consenting to this discharge and rereferral because the wilderness in this bill would be created out of public lands in the Cherokee National Forest, a national forest created from lands acquired under the Weeks Act. The Agriculture Committee has primary jurisdiction for acquired lands forests. However, I am not conceding the Senate Energy and Natural Resources Committee jurisdiction over national forests created from the public domain or its jurisdiction over our Nation's wilderness system.

VOTE EXPLANATION

Mr. RUBIO. Mr. President, due to a family commitment, I was unable to cast a vote on Monday evening regarding the nomination of James Comey to be the next director of the Federal Bureau of Investigations, FBI. I would have voted yes because all Presidents are entitled to nominate whomever they want to key positions, and I believe Mr. Comey is well qualified to lead this important agency and the brave men and women who dedicate their lives to protecting our people and enforcing our laws domestically. In this new position, Mr. Comey should expect Congress to maintain its strong oversight role in ensuring that the FBI effectively executes its mission to keep Americans safe, while protecting the rule of law and our constitutional rights.

FRYEBURG, MAINE

Ms. COLLINS. Mr. President. I rise today to commemorate the 250th anniversary of the Town of Fryeburg, ME, the first town established in the beautiful White Mountains of Maine and New Hampshire. The same spirit of determination and resiliency that carved a community out of the wilderness two and a half centuries ago still guides Fryeburg today.

In 1763, the Seven Years' War between France and Great Britain for control of North America ended with a resounding British victory. In recognition of his courageous service, GEN Joseph Frye, an American-born militia commander, was rewarded with a homestead grant in the White Mountains region. He chose the place where the great Saco River tumbles from the mountains on its journey to the sea, a place of vast forests and fertile farmland. That first settlement of seven lots soon grew into a thriving town, incorporated in 1777 and named in General Frye's honor.

That first settlement was built on the foundation laid a half century before by another early American hero, CPT John Lovewell. His valiant deeds to secure the colonies' northern frontier—including the legendary Battle of the Pond in 1725—were celebrated by such authors as Longfellow, Hawthorne, and Thoreau. From those long ago days to the present, the Veterans Honor Roll in Bradley Park memorializes the more than 1,200 patriots from Fryeburg who have served our Nation in times of peril.

As the town of Fryeburg became a bustling center of industry with lumber and grain mills, the townspeople invested their prosperity in education and in 1792 established Fryeburg Academy, one of America's oldest preparatory schools. Among the academy's first teachers was Daniel Webster, before he began his remarkable career as a statesman in the U.S. Senate and as America's Secretary of State. Fryeburg's connection to the world of ideas was strengthened in 1997 when the International Musical Arts Institute was established, bringing world-class musicians and conservatory students together every summer for concerts that enrich the community.

The coming of the railroads in the mid-19th century made Fryeburg, with its spectacular scenery, mountain breezes, and pristine waters, a favorite destination for city dwellers escaping the summer heat. Among those who found their way to Fryeburg during that era was the legendary Arctic explorer Robert Peary, who sharpened his navigation skills while surveying the town as a young civil engineer. Today, visitors and residents alike enjoy Fryeburg's many quiet parks, beautifully maintained historic buildings, and exciting outdoor recreation opportunities. The annual Fryeburg Fair, Maine's largest agricultural exhibition, keeps the town's origins and traditions alive.

The celebration of Fryeburg's 250th anniversary is not merely about the passing of time. It is about human accomplishment. We celebrate the people who, for longer than America has been a nation, have pulled together, cared for one another, and built a great community. Thanks to those who came before, Fryeburg, ME, has a wonderful history. Thanks to those there today, it has a bright future.

RECOGNIZING DICK LOPER

Mr. ENZI. Mr. President, I wish to speak on behalf of Dick Loper, who will be inducted into the Wyoming Agriculture Hall of Fame at the 101st Wyoming State Fair in August. Since 1992, Wyoming has recognized individuals each year who have made substantial contributions to agriculture in our State. This year I have the honor of presenting this award to Dick with my colleague, Senator BARRASSO.

Dick Loper is known across Wyoming for his rangeland consulting, Federal agency cooperation, and community involvement. As a rangeland consultant, Dick has served Wyoming's farmers, ranchers, and agricultural organizations throughout his entire career. He has also worked as a range consultant to the Wyoming State Grazing Board and has been involved in the organization since its creation. Rawlins Rancher and 2011 Wyoming Agriculture Hall of Fame inductee Niels Hansen commented,

> Since his time in the Reagan Administration, Dick has made his home in Wyoming working as a range consultant and helping and teaching many ranchers about the benefits of range monitoring and good range stewardship.

Dick is best known for his commitment to the health of Wyoming's rangelands. For over 30 years, he has worked with Bureau of Land Management, BLM, permitees and other parties to advance livestock management and oversee the implementation of range improvements. As a member of the Committee on Rangeland Classification, his efforts were crucial in gaining national attention for rangeland health, which led to the establishment of standards of healthy rangelands. These standards now give public land users and managers clear goals for grazing.

Dick Loper is also active in a variety of community organizations important to Wyoming agriculture. He served on the Society for Range Management Select Task Force on Unity in Concepts and the Sustainable Rangelands Roundtable. For his service, Dick has been honored with the Guardian of the Grasslands Award.

On a personal note, it seems I can't go very long without visiting with Dick Loper in Washington. In addition to seeing him in Wyoming, Dick is regularly in DC for meetings with Federal agencies and other partners. It is always helpful receiving the latest on public lands during his visits. I am proud to have the opportunity to recognize Dick Loper's achievements with Senator BARRASSO as a 2013 inductee into the Wyoming Agriculture Hall of Fame. Wyoming and its public lands are well served by his lasting and continuing contributions to our State.

RECOGNIZING JW AND THEA NUCKOLLS

Mr. BARRASSO. Mr. President, I will soon be attending the 101st Wyoming State Fair. During the Ag Hall of Fame Picnic, Senator ENZI and I will have the honor of recognizing Jw and Thea Nuckolls as they are inducted into the Wyoming Agriculture Hall of Fame for 2013. I cannot think of two people more deserving of this recognition.

The Nuckolls family came to Wyoming from Virginia in the early 1900s. Jw's parents sold 100 horses in order to purchase the original ranch in 1917. In 1943, the family entered the sheep business by purchasing 500 head of sheep to stock the ranch. Jw was only 12 years old when he began trailing ewes from Moorcroft, where the sheep were bought, to the family ranch 26 miles away.

Jw returned to the ranch after graduating from the University of Wyoming. He was in the market for more sheep, when he met his future wife, Thea. He purchased part of her family's Corriedale flock. The future couple subsequently ran into each other again at the Wyoming State Fair in 1958 and were married the following year. How fitting it is for them to be honored together in the same place where their lives with one another began 55 years ago.

Over the past five decades, Jw and Thea have built a strong, diversified ranching operation. Thea brought registered Angus cows into the family and together she and Jw have built herds of high quality cattle and sheep. Their contributions to agriculture go far beyond their own operation, however. Jw

and Thea helped to start the Mountain States Lamb Cooperative and Center of the Nation Wool Cooperative which serves 1,700 participants and markets approximately 5 million pounds of wool each year, resulting in gross sales of nearly $10 million. Jw continues to serve as a board member to this day. In addition to the cooperative, Jw has also been active in Wyoming Stock Growers Association, Wyoming Farm Bureau, and the Wyoming Wool Growers Association. Thea has served many years as a 4–H club leader, serves on the Wyoming Cattle Women's Association, Wyoming Wool Growers Auxiliary, and Crook County Farm Bureau.

Jw and Thea have been stalwart representatives of the agriculture industry in every way. Wyoming Stock Growers Association executive vice president Jim Magagna has said that the sheep industry is stronger because of Jw and Thea's involvement. This couple embodies what Wyoming is all about. Honesty, integrity, and hard work are second nature to them. Their willingness to share their knowledge and experience with others ensures that the sheep industry and agriculture in general will continue to be strong in both Wyoming and America for years to come. I would like to extend my congratulations to Jw and Thea and thank them for their dedication to the Wyoming way of life.

TRIBUTE TO BRIAN SCOTT GAMROTH

Mr. BARRASSO. Mr. President, today I come to the floor to tell you about one of Wyoming's own, Brian Scott Gamroth. On the radio, television, or at any number of events, folks all over Wyoming are familiar with his deep, resonating voice. Brian is more than a radio personality; he is an enthusiastic advocate for Wyoming and her people.

Brian spent his youth first at a ranch near Medicine Bow and then at a ranch near Saratoga. His family finally settled in Casper in the mid-1970s. In the early 1980s, Brian had a chance to take on Chicago. He worked for CBS Records, PolyGram, and Geffen Records before the call of Wyoming brought him home to Casper. Brian took over the K2 Radio morning show almost 20 years ago. It remains one of the top rated morning shows anywhere.

Brian is always first to lend his voice to efforts raising awareness for veterans, children, and the needs of the community. No cause is too big or too small for him to show his support. Whether it is the Wyoming Wild Sheep Foundation, the Wyoming Down Syndrome Association, Special Olympics, or many other organizations, Brian generously supports causes that make Wyoming a better place to call home.

Given his impressive resume of generous service, Brian has been selected by the Boys & Girls Clubs of Central Wyoming as the recipient of the Distinguished Service Award. Through his talents as an entertainer, master of ceremonies, and a community leader, Brian has raised millions of dollars for local and State charities. Last year alone, he was the master of ceremonies at 38 events in four States. Brian has the reputation of being the first to donate his talents, time and treasure for causes that enhance the lives of folks in Wyoming and the region. He joins a distinguished group of alumni who have been recognized with this award, including former U.S. Senator Alan Simpson, Vice President Dick Cheney and his wife Lynne, former U.S. Ambassador to Guatemala Tom Stroock, and Governor Mike Sullivan.

This year marks the 15th annual Boys & Girls Clubs Recognition Breakfast event. For the last 12 years, Brian served as the master of ceremonies. It is fitting that Brian has been chosen to receive the prestigious award this year. On behalf of the children he has helped, the families he has embraced, and friends he has made, I offer my heartfelt congratulations. I am honored to know him and call him my friend. Casper and Wyoming is a better place to live and work because of Brian Scott Gamroth.

TRIBUTE TO CHARLES E. HARMAN, JR.

Mr. CHAMBLISS. Mr. President, I rise today to honor a man who has been an invaluable member of my team for 6 unforgettable years, my friend and chief of staff, Charlie Harman.

Charlie first came to Washington in 1970. He took an internship with Senator Richard B. Russell of Georgia, to be near his then-girlfriend Carol, now his wife of 40 years.

This internship sparked a passion for public policy, politics, and the United States Senate Charlie could never extinguish.

After his internship with Senator Russell, the Atlanta, GA native graduated from my alma mater UGA, and took a job as a savings and loan officer with Fulton Federal Savings.

However by 1980, Charlie longed to return to politics and began working for Senator Sam Nunn in Georgia. He finally fulfilled his dream of returning to Washington, D.C. when he was asked to serve as Senator Nunn's chief of staff in 1987. He did so until 1992.

He then returned to the private sector as president of the Georgia Chamber of Commerce. In 1996, he left the Chamber and was named vice president of public affairs for Blue Cross/Blue Shield of Georgia.

Seven years later, after Senator Paul Coverdell died tragically and unexpectedly, Zell Miller was appointed to fill the unexpired seat. Charlie stepped in to be his chief of staff—organizing his office and hiring his staff.

Miller ran for the seat in November 2000 and was elected to serve the final 4 years of Coverdell's term. Charlie returned to Georgia and his job at Blue Cross/Blue Shield.

As you can see, Charlie has been an integral part of Georgia's U.S. Senate history, and his was a name that came up often when I found myself in need of a chief of staff in 2007.

When I interviewed Charlie, I remember asking him what his hobbies were. He replied, 'I don't have a hobby, I just like to work.' That turned out to be true.

I remember telling him my personal policy is to hire good people and then leave them alone to do their job.

In this respect, there are never days when I worry my chief of staff would not be in the office, or a task will not be done. He is passionate and dedicated, and I am better able to focus on my tasks knowing he is there.

Ralph Waldo Emerson once said that ''Big jobs usually go to the men who prove their ability to outgrow small ones.''

I do not see that in Charlie. He places emphasis on all aspects of the job—big and small.

He walks away from a room full of CEOs to answer the front office phones, so the staff assistants can have a break.

He makes constituent mail a number one priority, ensuring all Georgians receive a quality response by week's end.

And he is never too busy to talk to folks visiting from Georgia, or staffers who are having personal troubles.

Anyone would be amazed to see how he manages such a high-pressure environment with efficiency, focus, and vision. Charlie inspires confidence in the staff and he inspires loyalty.

In my 19 years in Congress, I have had the good fortune of having many talented staffers. You never forget the work they have done for you.

On August 5, Charlie will be leaving my office to join Emory University as its Vice President for Government Relations. I congratulate Charlie and wish him well in his new position.

Charlie has made a difference in thousands of lives around the Hill, around this town, and around Georgia. I will never forget all he has accomplished, and he will be sorely missed.

TRIBUTE TO GERALDINE ''JERRIE'' MOCK

Mr. PORTMAN. Mr. President, today I wish to recognize Newark, OH native Jerrie Mock, the first woman to fly solo around the world. On September 14, 2013, a bronze statue will be dedicated in honor of her accomplishments at The Works: Ohio Center for History, Art & Technology, a science and history museum for children in Newark, OH.

On March 19, 1964, at the age of 38, the Ohio native and self-described ''flying housewife'' set off from Columbus, OH on her solo flight around the world in a 1953 Cessna 180 single-engine monoplane named the ''Spirit of Columbus.'' She made the flight in 29 days, including 21 stopovers, covering 22,860 miles.

Jerrie has received numerous awards, including the FAA Gold Medal for Exceptional Service. She made her mark in the aviation world as the first woman to fly solo around the world and also completed other feats worthy of recognition. Her contributions have helped to shape the future of American aviation for our children and grandchildren.

Today, I would like to commend Jerrie Mock for her accomplishments and thank all those who contributed to enshrining her legacy for all Ohioans.

ADDITIONAL STATEMENTS

HAMPTON, NEW HAMPSHIRE

● Ms. AYOTTE. Mr. President, today I wish to honor Hampton, NH—an historic Granite State community that is also one of the most popular vacation destinations in New England.

A crown jewel of New Hampshire's seacoast, Hampton was one of four original New Hampshire towns and was located in an area originally known as Winnacunnet. According to a town history, it was settled in the autumn of 1638. Incorporated as Hampton in 1639, the current day high school is named Winnacunnet High School—home of the Warriors.

With the arrival of the railroad in the mid 1800s, Hampton became a summertime favorite of travelers from near and far—starting the town's long tradition of providing welcoming hospitality. On a hot summer day, Hampton Beach can expect to see around 100,000 visitors on its beautiful beaches and boardwalk. Generations of New Hampshire families have spent their summer vacation on the shores of Hampton Beach—eating fresh seafood in its restaurants, splashing in the surf, enjoying beachside concerts, and playing in the arcades.

Hampton has been the home of many historical and famous figures. First Lady of the United States, Jane Pierce, called Hampton home, as did former Governor Stephen E. Merrill and former Congressman Tristram Shaw.

Whether it is scenic Hampton Beach, the Tuck Museum or the historic James House historic site—which is described as what may be the earliest surviving example of the two-room deep, center chimney colonial in New Hampshire—the proud people of Hampton have contributed conspicuously to the spirit and heritage of New Hampshire during the town's first 375 years.

Hampton holds a special place in the hearts of citizens across New Hampshire. On this day, I am pleased to recognize the 375th anniversary of Hampton—saluting its citizens and recognizing their accomplishments, their love of country, their warm hospitality, and their spirit of independence.●

LISBON, NEW HAMPSHIRE

● Ms. AYOTTE. Mr. President, today I wish to honor Lisbon, NH—a town in Grafton County that is celebrating the 250th anniversary of its founding. I am proud to join citizens across the Granite State in recognizing this historic event.

Famous for its annual Lilac Festival, Lisbon is located along the Ammonoosuc and Gale rivers in the shadow of Babbit Hill.

The land that would become Lisbon was granted in a charter as Concord by Gov. Benning Wentworth in 1763. Renamed Chiswick, the name was subsequently changed to Gunthwaite. At a town meeting in 1824, it was renamed Lisbon in honor of Lisbon, Portugal.

The population has grown to include over 1,500 residents. The patriotism and commitment of the people of Lisbon is reflected in part by their record of service in defense of our Nation.

Among those patriots were Revolutionary War veterans Samuel Young and MAJ Benjamin Whitcomb. Young and members of his family fought in the Battle of Bunker Hill, while Whitcomb, also known as the ''Dreaded Scout,'' was the leader of Whitcomb's Independent Corps of Rangers.

New England Wire Technologies first opened in 1899, and it has grown to become a leader in the design and manufacture of multiconductor cables, custom braids, and strands. Today the company has over 330 employees and is one of the larger employers in the area.

According to a town history, ''Three of the five peg mills in the United States were located in Lisbon. Parker Young Company was at one time the largest manufacturer of piano sounding boards in the world. There were two railroad stations, a library, a gold rush, a small airport and the first rope ski tow in New Hampshire.''

Lisbon is a place that has contributed much to the life and spirit of the State of New Hampshire. I am pleased to extend my warm regards to the people of Lisbon as they celebrate the town's 250th anniversary.●

RECOGNIZING HALLIE BELL

● Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Hallie Bell for her hard work as an intern in my Cheyenne office. I recognize her efforts and contributions to my office as well as to the State of Wyoming.

Hallie is a native of Cody, WY, and is a graduate of Cody High School. She currently attends the University of Wyoming, where she is an art and English major. She has demonstrated a strong work ethic, which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I want to thank Hallie for the dedication she has shown while working for me and my staff. It was a pleasure to have her as part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her next journey.●

RECOGNIZING OMAR ETMAN

● Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Omar Etman for his hard work as an intern in my Rock Springs office. I recognize his efforts and contributions to my office as well as to the State of Wyoming.

Omar is from Rock Springs, WY, and a graduate of Rock Springs High School. He plans to attend New York University beginning this fall as a journalism major. He has demonstrated a strong work ethic, which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I want to thank Omar for the dedication he has shown while working for me and my staff. It was a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his next journey.●

RECOGNIZING KIP FAIRCLOTH

● Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Kip Faircloth for his hard work as an intern in my Washington, DC, office. I recognize his efforts and contributions to my office as well as to the State of Wyoming.

Kip is a native of Buffalo, WY, and a graduate of Buffalo High School. He currently attends the University of Montana, where he is a political science major. He has demonstrated a strong work ethic, which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I want to thank Kip for the dedication he has shown while working for me and my staff. It was a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his next journey.●

RECOGNIZING SHELBY JORGENSEN

● Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Shelby Jorgensen for her hard work as an intern in my Casper office. I recognize her efforts and contributions to my office as well as to the State of Wyoming.

Shelby is a native of Casper, WY, and is a graduate of Natrona County High School. She currently attends the University of Wyoming where she is an elementary education major. She has demonstrated a strong work ethic, which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I want to thank Shelby for the dedication she has shown while working for

me and my staff. It was a pleasure to have her as part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her next journey.●

RECOGNIZING TESS KERSENBROCK

● Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Tess Kersenbrock for her hard work as an intern in my Casper office. I recognize her efforts and contributions to my office as well as to the State of Wyoming.

Tess is a native of Casper, WY, and is a graduate of Kelly Walsh High School. She currently attends Colorado State University, where she is a political science major. She has demonstrated a strong work ethic, which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I want to thank Tess for the dedication she has shown while working for me and my staff. It was a pleasure to have her as part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her next journey.●

RECOGNIZING KIRBY LAWRENCE

● Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Kirby Lawrence for her hard work as an intern in my Republican policy committee office. I recognize her efforts and contributions to my office as well as to the State of Wyoming.

Kirby is from Wheatland, WY, and a graduate of Wheatland High School. She currently attends the University of Wyoming, where she is an economics major. She has demonstrated a strong work ethic, which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I want to thank Kirby for the dedication she has shown while working for me and my staff. It was a pleasure to have her as part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her next journey.●

RECOGNIZING MADELEINE LEWIS

● Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Madeleine Lewis for her hard work as an intern in my Cheyenne office. I recognize her efforts and contributions to my office as well as to the State of Wyoming.

Madeleine is a native of Cheyenne, WY, and is a graduate of Cheyenne Central High School. She currently attends the Carleton College, where she is a political science major. She has demonstrated a strong work ethic, which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I want to thank Madeleine for the dedication she has shown while working for me and my staff. It was a pleasure to have her as part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her next journey.●

RECOGNIZING HAL LIBBY

● Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Hal Libby for his continued hard work as an intern in my Republican policy committee office. I recognize his efforts and contributions to my office as well as to the State of Wyoming.

Hal is a native of McLean, VA, and a graduate of Thomas Jefferson High School. He currently attends Yale University, where he is a history major. He has demonstrated a strong work ethic, which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I want to thank Hal for the dedication he has shown while working for me and my staff. It was a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his next journey.●

RECOGNIZING JOSH MESSER

● Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Josh Messer for his hard work as an intern in my U.S. Senate Committee on Indian Affairs office. I recognize his efforts and contributions to my office as well as to the State of Wyoming.

Josh is a native of Cheyenne, WY, and a graduate of Cheyenne East High School. He currently attends the University of Wyoming, where he is a molecular biology and chemistry major. He has demonstrated a strong work ethic, which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I want to thank Josh for the dedication he has shown while working for me and my staff. It was a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his next journey.●

RECOGNIZING BRANDON ROSTY

● Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Brandon Rosty for his hard work as an intern in my Washington, DC, office. I recognize his efforts and contributions to my office as well as to the State of Wyoming.

Brandon is a native of Casper, WY, and graduated from Natrona County High School. He currently attends Georgetown University, where he is a government and history major. He has demonstrated a strong work ethic, which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I want to thank Brandon for the dedication he has shown while working for me and my staff. It was a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his next journey.●

RECOGNIZING MIKE STOPP

● Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Mike Stopp for his hard work as an intern in my U.S. Senate Committee on Indian Affairs office. I recognize his efforts and contributions to my office as well as to the State of Wyoming.

Mike is from Tahlequah, OK. He currently attends Northeastern State University, where he is a business administration/finance major. He has demonstrated a strong work ethic, which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I want to thank Mike for the dedication he has shown while working for me and my staff. It was a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his next journey.●

RECOGNIZING ASHLEY TRUE

● Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Ashley True for her hard work as an intern in my Washington, DC, office. I recognize her efforts and contributions to my office as well as to the State of Wyoming.

Ashley is a native of Casper, WY, and is a graduate of Natrona County High School. She currently attends Black Hills State University, where she is a corporate communication major. She has demonstrated a strong work ethic, which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I want to thank Ashley for the dedication she has shown while working for me and my staff. It was a pleasure to have her as part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her next journey.●

RECOGNIZING SONYA JOHNSON

● Mr. HELLER. Mr. President, I wish to recognize Sonya Johnson of Fallon, NV, and congratulate her on receiving this year's Ag Advocate Award from

the National Agriculture in the Classroom Organization. This award recognizes efforts to promote agriculture literacy in the classroom, and I am immensely proud that Sonya has been selected from a nationwide group of nominees to receive this prestigious award.

As a mother of five daughters and past president of the Churchill County Farm Bureau, Sonya has demonstrated an exceptional commitment to education, volunteerism, and community service. For more than 30 years, she has given of her time by volunteering to educate Nevada's students about the importance of agriculture, as well as agriculture-related higher education and career opportunities that are available to them. Whether in a classroom, at a farm festival in Las Vegas, or at a community workshop, Sonya has helped countless Nevadans understand the critical role agriculture plays in our State and national heritage. Not only has she used creative methods in her educational efforts, but she also often reaches out to students in remote locations, including Indian reservations, and she has volunteered with children of mine workers as well. Her efforts were recognized in 2010 by the Nevada Agriculture Foundation, which named Sonya the Outstanding Nevada Ag in the Classroom Volunteer.

Sonya's commitment to educating Nevadans about agriculture is truly admirable. She has made an invaluable investment in the lives and futures of Nevada's students. I ask my colleagues to join me in commending Sonya on this well-deserved recognition, and I thank her for her many efforts as a volunteer and educator.●

2013 AROOSTOOK ENTREPRENEUR OF THE YEAR

● Mr. KING. Mr. President, I wish to commend David A. Harbison, Jr., and his company, Bison Pumps, for being named the 2013 Aroostook Entrepreneur of the Year. Bison Pumps, located in Houlton, ME, both designs and manufactures hand-powered water pumps. These impressive and elegant devices provide reliable access to well water without the need for any electricity.

The first Bison pump was born out of necessity during Maine's Great Ice Storm of 1998, which crippled parts of Maine for several weeks. Over half of our State lost power, some areas for more than 2 weeks. Like many Mainers faced with adversity, Mr. Harbison and his team of plumbers responded to disaster with resilience and innovation. They designed and built what would be the first Bison hand pump, which allowed people whose electric pumps were inoperable in the aftermath of the storm to access the water in their wells. Since 1998, this timely and resourceful design has gained international appeal and application.

Now a strong and growing business with 12 employees, Bison Pumps sells its polished stainless steel products around the country and all over the world. From the woods of northern Maine to the hustle and bustle of Singapore, these pumps are making a difference by allowing people to access well water without electricity. Just recently, a ministry organization bought one of the pumps, which is now helping them provide much needed clean water to people in Haiti.

We have many great small businesses in Maine, and the 2013 Aroostook Entrepreneur of the Year Award winner, Mr. Harbison and Bison Pumps, is certainly one of them. Bison Pumps represents the bold, free-thinking spirit that defines the State of Maine. I am proud to join in recognizing their ingenuity, and I expect they will continue to impress us—both in Maine and around the world with their superb products.●

REMEMBERING VERNON AND MARIE NELSON

● Mr. MORAN. Mr. President, there are many things I admire about folks from my home State of Kansas but especially how Kansans carry on the traditions of previous generations. No tradition runs deeper in Kansas than the tradition of working on a family farm.

Across our Nation, 98 percent of our country's 2 million farms are family owned. For many Kansas children, growing up on a farm is a way of life. By working alongside their parents, grandparents, and neighbors, young people learn important life skills and values like hard work, personal responsibility, and perseverance.

Gary Nelson of Falun, KS learned many of these life skills on the farm by working alongside his parents, Vernon and Marie Nelson. The Nelson family farm has been in his family for 144 years. It was originally homesteaded by Gary's great-grandfather Lars Frederick Nelson, in 1869. Nineteen years ago, Gary's father Vernon passed away, leaving the management of the farm in his hands. In the years that followed, Gary took over the farm operations with the help of his mother. But just a few weeks ago, Marie passed away. The community of Falun lost two special people when Vernon and Marie passed away.

Both of Gary's parents came from a strong Swedish heritage and were well known in the small rural community of Falun in Saline County. They were married in 1952 and spent the next 42 years together, raising their son, managing the farm, and investing in the local community. A strong work ethic and an abiding care for others were defining attributes of both Vernon and Marie. They were also both skilled craftsmen—Vernon once made a walnut box that contained a bronze sculpture for President Ronald Reagan, and Marie had a love for quilting and once worked on a special quilt that was given to Nancy Reagan.

Vernon and Marie were also very proud of their son and came to visit Gary while he was working as an intern for former Senator Bob Dole in the summer of 1983. One of their special memories was enjoying lunch together in the Senate dining room at the invitation of Senator Dole.

In small rural towns across Kansas, people work hard, take pride in their communities and care for one another. Vernon and Marie were two such people. Gary recently said this about his parents: ''They are part of the fabric that is our community now and that of the future.'' Individuals like Vernon and Marie also make up the fabric of our country, and their contributions have made our Nation what it is today. Vernon and Marie lived each day to its fullest, and their devotion to those around them stands as an inspiration to us all.

I extend my heartfelt sympathies to Gary and the Nelson family and friends. I ask my colleagues and all Kansans to remember the Nelson family in your thoughts and prayers in the days ahead.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Health, Education, Labor and Pensions.

(The message received today is printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 3:37 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2397. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2014, and for other purposes.

ENROLLED BILL SIGNED

At 8:06 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1092. An act to designate the air route traffic control center located in Nashua, New Hampshire, as the ''Patricia Clark Boston Air Route Traffic Control Center''.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2397. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2014, and for other purposes; to the Committee on Appropriations.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 2218. An act to amend subtitle D of the Solid Waste Disposal Act to encourage recovery and beneficial use of coal combustion residuals and establish requirements for the proper management and disposal of coal combustion residuals that are protective of human health and the environment.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1392. A bill to promote energy savings in residential buildings and industry, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2465. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Navigation and Navigable Waters; Technical, Organizational, and Conforming Amendments; Correction'' (RIN1625–AC06) received in the Office of the President of the Senate on July 15, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2466. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Ohio River, Mile 469.4–470.0; Bellevue, KY'' ((RIN1625–AA00) (Docket No. USCG–2013–0558)) received in the Office of the President of the Senate on July 15, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2467. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Pamlico River and Tar River; Washington, NC'' ((RIN1625–AA00) (Docket No. USCG–2013–0517)) received in the Office of the President of the Senate on July 15, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2468. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Skagit River Bridge, Skagit River, Mount Vernon, WA'' ((RIN1625–AA00) (Docket No. USCG–2012–0449)) received in the Office of the President of the Senate on July 15, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2469. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Fifth Coast Guard District Fireworks Display Cape Fear River; Wilmington, NC'' ((RIN1625–AA00) (Docket No. USCG–2013–0115)) received in the Office of the President of the Senate on July 15, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2470. A communication from the Deputy Administrator, Research and Innovative Technology Administration, Department of Transportation, transmitting, pursuant to law, a report entitled ''Transportation Statistics Annual Report 2012''; to the Committee on Commerce, Science, and Transportation.

EC–2471. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the Export Administration Regulations: Military Vehicles; Vessels of War; Submersible Vessels; Oceanographic Equipment; Related Items; and Auxiliary and Miscellaneous Items that the President Determines No Longer Warrant Control under the United States Munitions List'' (RIN0694–AF39) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2472. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Amendments to the Export Administration Regulations: Implementation of Limited Syria Waiver for Reconstruction Assistance'' (RIN0694–AF94) received in the Office of the President of the Senate on July 18, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2473. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Amendment 37; Correction'' (RIN0648–BC66) received in the Office of the President of the Senate on July 18, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2474. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; 2013 Atlantic Bluefin Tuna Quota Specifications'' (RIN0648–XC513) received in the Office of the President of the Senate on July 18, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2475. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Enhanced Document Requirements To Support Use of the Dolphin Safe Label on Tuna Products'' (RIN0648–BC78) received in the Office of the President of the Senate on July 18, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2476. A communication from the Assistant Chief Counsel for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Materials: Revision of Requirements for Fireworks Approval (RRR)'' (RIN2137–AE70) received during adjournment of the Senate in the Office of the President of the Senate on July 26, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2477. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Federal Motor Vehicle Theft Prevention Standard; Final Listing of 2014 Light Duty Truck Lines Subject to the Requirements of This Standard and Exempted Vehicle Lines for Model Year 2014'' (RIN2127–AL42) received during adjournment of the Senate in the Office of the President of the Senate on July 26, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2478. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Michael C. Gould, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–2479. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Walter E. Gaskin, Sr., United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–2480. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Vice Admiral Robert S. Harward, Jr., United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC–2481. A communication from the President of the United States, transmitting, pursuant to law, a report on the continuation of the national emergency that was originally declared in Executive Order 13441 with respect to Lebanon; to the Committee on Banking, Housing, and Urban Affairs.

EC–2482. A communication from the Chairman of the Board of Governors, Federal Reserve System, transmitting, pursuant to law, a report entitled ''Annual Report to Congress on the Presidential 1 Dollar Coin Program''; to the Committee on Banking, Housing, and Urban Affairs.

EC–2483. A communication from the Chief Counsel, Bureau of the Fiscal Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Sale and Issue of Marketable Book-Entry Treasury Bills, Notes, and Bonds'' (31 CFR Part 356) received during adjournment of the Senate in the Office of the President of the Senate on July 26, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC–2484. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Report to the President and Congress Medicaid Home and Community-Based Alternatives to Psychiatric Residential Treatment Facilities Demonstration''; to the Committee on Finance.

EC–2485. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Annual Report to Congress on the Medicare and Medicaid Integrity Programs Report for Fiscal Year 2011; to the Committee on Finance.

EC–2486. A communication from the Director, Office of Regulations and Reports Clearance, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Change in Terminology: 'Mental Retardation' to 'Intellectual Disability'''' (RIN0960–AH52) received in the Office of the President of the Senate on July 29, 2013; to the Committee on Finance.

EC–2487. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Patient Protection and Affordable Care Act; Exchange Functions: Standards for Navigators and Non-Navigator Assistance Personnel; Consumer Assistance Tools and Programs of an Exchange and Certified Application Counselors'' (RIN0938–AR75; 0938–AR04) received during adjournment of the Senate in the Office of the President of the Senate on July

15, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC–2488. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled ''Department of Justice Report to Congress Concerning the International Marriage Broker Regulation Act''; to the Committee on the Judiciary.

EC–2489. A communication from the Senior Attorney Advisor, Office of Violence Against Women, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Removing Unnecessary Office on Violence Against Women Regulations'' (RIN1105–AB40) received during adjournment of the Senate in the Office of the President of the Senate on July 26, 2013; to the Committee on the Judiciary.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Jon T. Rymer, of Tennessee, to be Inspector General, Department of Defense.

*Stephen Woolman Preston, of the District of Columbia, to be General Counsel of the Department of Defense.

*Susan J. Rabern, of Kansas, to be an Assistant Secretary of the Navy.

*Dennis V. McGinn, of Maryland, to be an Assistant Secretary of the Navy.

*Army nomination of Gen. Martin E. Dempsey, to be General.

*Navy nomination of Adm. James A. Winnefeld, Jr., to be Admiral.

*Navy nomination of Adm. Cecil E.D. Haney, to be Admiral.

*Army nomination of Lt. Gen. Curtis M. Scaparrotti, to be General.

Air Force nomination of Maj. Gen. Stephen W. Wilson, to be Lieutenant General.

Air Force nomination of Lt. Gen. Robin Rand, to be General.

Air Force nomination of Maj. Gen. Russell J. Handy, to be Lieutenant General.

Air Force nomination of Col. Roger L. Nye, to be Brigadier General.

Army nomination of Maj. Gen. David L. Mann, to be Lieutenant General.

Army nomination of Maj. Gen. Raymond A. Thomas III, to be Lieutenant General.

Army nomination of Col. Marion Garcia, to be Brigadier General.

Army nomination of Col. John W. Lathrop, to be Brigadier General.

Army nomination of Maj. Gen. Edward C. Cardon, to be Lieutenant General.

Army nomination of Brig. Gen. Thomas E. Ayres, to be Major General.

Army nomination of Brig. Gen. Flora D. Darpino, to be Lieutenant General.

Army nomination of Maj. Gen. Michael S. Tucker, to be Lieutenant General.

Army nomination of Col. Charles N. Pede, to be Brigadier General, Judge Advocate General's Corps.

Army nominations beginning with Colonel Carl A. Alex and ending with Colonel Eric J. Wesley, which nominations were received by the Senate and appeared in the Congressional Record on June 27, 2013. (minus 2 nominees: Colonel David W. Riggins; Colonel Robert J. Ulses)

Army nomination of Lt. Gen. Kenneth E. Tovo, to be Lieutenant General.

Army nomination of Maj. Gen. Robert B. Abrams, to be Lieutenant General.

Army nomination of Brig. Gen. Kevin L. McNeely, to be Major General.

Marine Corps nomination of Lt. Gen. Thomas D. Waldhauser, to be Lieutenant General.

Navy nomination of Capt. Deborah P. Haven, to be Rear Admiral (lower half).

Navy nomination of Vice Adm. Frank C. Pandolfe, to be Vice Admiral.

Navy nomination of Vice Adm. Harry B. Harris, Jr., to be Admiral.

Navy nomination of Rear Adm. William F. Moran, to be Vice Admiral.

Navy nomination of Rear Adm. James F. Caldwell, Jr., to be Vice Admiral.

Navy nominations beginning with Rear Adm. (lh) David F. Baucom and ending with Rear Adm. (lh) Vincent L. Griffith, which nominations were received by the Senate and appeared in the Congressional Record on June 27, 2013.

Navy nominations beginning with Rear Adm. (lh) Colin G. Chinn and ending with Rear Adm. (lh) Elaine C. Wagner, which nominations were received by the Senate and appeared in the Congressional Record on June 27, 2013.

Navy nominations beginning with Rear Adm. (lh) Paul B. Becker and ending with Rear Adm. (lh) Jan E. Tighe, which nominations were received by the Senate and appeared in the Congressional Record on June 27, 2013.

Navy nominations beginning with Rear Adm. (lh) David H. Lewis and ending with Rear Adm. (lh) James D. Syring, which nominations were received by the Senate and appeared in the Congressional Record on June 27, 2013.

Navy nominations beginning with Rear Adm. (lh) John C. Aquilino and ending with Rear Adm. (lh) Michael S. White, which nominations were received by the Senate and appeared in the Congressional Record on June 27, 2013.

Navy nominations beginning with Capt. Russell E. Allen and ending with Capt. Thomas W. Marotta, which nominations were received by the Senate and appeared in the Congressional Record on June 27, 2013.

Navy nomination of Vice Adm. Kurt W. Tidd, to be Vice Admiral.

Navy nomination of Capt. Kenneth J. Iverson, to be Rear Admiral (lower half).

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, It is so ordered.

Air Force nominations beginning with Wendy J. Beal and ending with Jared K. Young, which nominations were received by the Senate and appeared in the Congressional Record on April 9, 2013.

Air Force nomination of Peter C. Rhee, to be Major.

Air Force nomination of Joseph M. Markusfeld, to be Lieutenant Colonel.

Air Force nominations beginning with Deondra P. Asike and ending with Gregory C. Trolley, which nominations were received by the Senate and appeared in the Congressional Record on July 24, 2013.

Army nomination of Ronald E. Beresky, to be Major.

Army nomination of James B. Collins, to be Major.

Army nominations beginning with Jonathan H. Cody and ending with Justin M. Marchesi, which nominations were received by the Senate and appeared in the Congressional Record on June 20, 2013.

Army nominations beginning with Joseph L. Biehler and ending with Bienvenido Serranocastro, which nominations were received by the Senate and appeared in the Congressional Record on June 24, 2013.

Army nomination of Dean C. Anderson, to be Lieutenant Colonel.

Army nomination of Christopher D. Perrin, to be Colonel.

Army nominations beginning with Sheena L. Allen and ending with Miao X. Zhou, which nominations were received by the Senate and appeared in the Congressional Record on July 9, 2013.

Army nominations beginning with Courtney L. Abraham and ending with D011476, which nominations were received by the Senate and appeared in the Congressional Record on July 9, 2013.

Army nominations beginning with Christopher L. Aaron and ending with Nathan P. Zwintscher, which nominations were received by the Senate and appeared in the Congressional Record on July 9, 2013.

Army nominations beginning with Richard R. Abelkis and ending with G001407, which nominations were received by the Senate and appeared in the Congressional Record on July 9, 2013.

Army nominations beginning with Joseph H. Albrecht and ending with D011309, which nominations were received by the Senate and appeared in the Congressional Record on July 9, 2013.

Army nomination of Karl F. Meyer, to be Colonel.

Army nomination of Stephanie M. Price, to be Major.

Army nomination of Gregory C. Pedro, to be Major.

Army nomination of John H. Seok, to be Lieutenant Colonel.

Army nomination of Frederick C. Lough, to be Colonel.

Army nominations beginning with Admirado A. Luzuriaga and ending with Jon Kiev, which nominations were received by the Senate and appeared in the Congressional Record on July 24, 2013.

Army nominations beginning with William G. Huber and ending with Mark L. Leitschuh, which nominations were received by the Senate and appeared in the Congressional Record on July 24, 2013.

Army nomination of Curtis J. Alitz, to be Colonel.

Army nominations beginning with Guy R. Beaudoin and ending with Rebecca A. Young, which nominations were received by the Senate and appeared in the Congressional Record on July 24, 2013.

Navy nomination of Jackie S. Fantes, to be Commander.

Navy nomination of Doran T. Kelvington, to be Commander.

Navy nominations beginning with Orenthal G. Adderson and ending with John F. Warner III, which nominations were received by the Senate and appeared in the Congressional Record on June 27, 2013.

Navy nominations beginning with Philip B. Bagrow and ending with David M. Todd, which nominations were received by the Senate and appeared in the Congressional Record on July 9, 2013.

Navy nominations beginning with Tanya Cruz and ending with Jeanine B. Womble, which nominations were received by the Senate and appeared in the Congressional Record on July 9, 2013.

Navy nominations beginning with Rene J. Alova and ending with Joyce Y. Turner, which nominations were received by the Senate and appeared in the Congressional Record on July 9, 2013.

Navy nominations beginning with James Alger and ending with Jason N. Wood, which nominations were received by the Senate and appeared in the Congressional Record on July 9, 2013.

Navy nominations beginning with Christopher W. Abbott and ending with Lorenzo Tarpley, Jr., which nominations were received by the Senate and appeared in the Congressional Record on July 9, 2013.

Navy nominations beginning with Mary R. Anker and ending with Georgina L. Zuniga, which nominations were received by the Senate and appeared in the Congressional Record on July 9, 2013.

Navy nominations beginning with Lillian A. Abuan and ending with Christopher R. Zegley, which nominations were received by the Senate and appeared in the Congressional Record on July 9, 2013.

Navy nominations beginning with Erin G. Adams and ending with Luke A. Zabrocki, which nominations were received by the Senate and appeared in the Congressional Record on July 9, 2013.

Navy nomination of Timothy C. Moore, Jr., to be Commander.

Navy nomination of Pierre A. Pelletier, to be Captain.

By Mr. Rockefeller for the Committee on Commerce, Science, and Transportation.

*Jannette Lake Dates, of Maryland, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2016.

*Bruce M. Ramer, of California, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2018.

*Brent Franklin Nelsen, of South Carolina, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2016.

*Howard Abel Husock, of New York, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2018.

*Loretta Cheryl Sutliff, of Nevada, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2018.

*Thomas Edgar Wheeler, of the District of Columbia, to be a Member of the Federal Communications Commission for the remainder of the term expiring June 30, 2013.

*Thomas Edgar Wheeler, of the District of Columbia, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2013.

*Mark E. Schaefer, of California, to be Assistant Secretary of Commerce for Oceans and Atmosphere.

*Thomas C. Carper, of Illinois, to be a Director of the Amtrak Board of Directors for a term of five years.

*Coast Guard nominations beginning with Bruce D. Baffer and ending with Joseph A. Servidio, which nominations were received by the Senate and appeared in the Congressional Record on April 15, 2013.

*Coast Guard nomination of Kurt B. Hinrichs, to be Rear Admiral.

*Coast Guard nomination of Richard T. Gromlich, to be Rear Admiral.

By Mrs. BOXER for the Committee on Environment and Public Works.

*Avi Garbow, of Virginia, to be an Assistant Administrator of the Environmental Protection Agency.

*James J. Jones, of the District of Columbia, to be Assistant Administrator for Toxic Substances of the Environmental Protection Agency.

*Kenneth J. Kopocis, of Virginia, to be an Assistant Administrator of the Environmental Protection Agency.

By Mr. MENENDEZ for the Committee on Foreign Relations.

*Morrell John Berry, of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Australia.

Nominee: Morrell John Berry.

Post: AMB to Australia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:

1. Self: $1,000, 6/2/09, Hoyer for Congress; Hoyer for Congress: $1,000, 10/8/10, Hoyer for Congress; $1,000, 4/24/12, Hoyer for Congress; $1,000, 6/15/13, Hoyer for Congress; $250, 10/28/10, Tammy Baldwin for Senate; $500, 6/30/11, Tammy Baldwin for Senate; $1,000, 10/4/12, Ben Cardin for Senate; $250, 3/30/12, Krysten Sinema for Congress; $2,500, 8/13/12, Obama Victory Fund; $2,500, 10/23/12, Obama for America.

2. Spouse: N/A.

3. Children and Spouses: N/A.

4. Parents: deceased.

5. Grandparents: deceased.

6. Brothers and Spouses: none.

7. Sisters and Spouses: none.

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*Patricia Marie Haslach, of Oregon, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Democratic Republic of Ethiopia.

Nominee: Patricia Marie Haslach.

Post: Ethiopia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:

1. Self: none.

2. Spouse: divorced.

3. Children and Spouses: Shereen Herbert: none; Kiran Herbert: none.

4. Parents: Patricia M. Haslach: none.

5. Grandparents: deceased.

6. Brothers and Spouses: Timothy Haslach: none.

7. Sisters and Spouses: Mary Powers: none; Matt Powers: none; Margaret Haslach: none; Maureen Rankin: none; Mark Rankin: none.

*Reuben Earl Brigety, II, of Florida, to be Representative of the United States of America to the African Union, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

Nominee: Reuben Earl Brigety, II.

Post: U.S. Ambassador to the AU.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:

1. Self: $1200, 8/27/08, Obama for America; $1100, 8/27/08, Obama for America; $2300, 8/16/08, Obama Victory Fund; $500, 2/08/08, Obama for America; $250, 11/27/07, Obama for America.

2. Spouse: $200, 10/20/08, Obama for America; $800, 10/16/08, Obama for America; $800, 10/12/08, Obama Victory Fund; $200, 10/25/08, Obama for America; $200, 10/25/08, Obama for America.

3. Children and Spouses: none.

4. Parents: none.

5. Grandparents: none.

6. Brothers and Spouses: none.

7. Sisters and Spouses: none.

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*Daniel A. Clune, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Lao People's Democratic Republic.

Nomnee: Daniel A. Clune.

Post: Lao People's Democratic Republic.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, Donee:

1. Self: None.

2. Spouse: None.

3. Children and Spouses: Margaret Clune Giblin: $55, Sep 2013, Barack Obama. Bryan Giblin: None. Sarah Clune Hartman: None. Robert Hartman: None. Kathryn Clune: $35, Nov 2012, Barack Obama.

4. Parents: William H. Clune, Jr.: Deceased. Helen Clune: Deceased.

5. Grandparents: James Hadley: Deceased. Ethel Hadley: Deceased. William H. Clune: Deceased. Gatel Clune: Deceased.

6. Brothers and Spouses: William H. Clune III: $250, May 2012, Tammy Baldwin; Less than $250, 2012, Barack Obama. Constance Clune: None.

7. Sisters and Spouses: Sheila Fariel: Deceased. Susan Lorenz Aiken: Deceased. Sarah Clune: $20, 2012, Barack Obama. Michael Long, None.

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*Patrick Hubert Gaspard, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of South Africa.

Nominee: Patrick Hubert Gaspard.

Post: South Africa.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, Donee:

1. Self: None.

2. Spouse: $100, 2012, Obama for America.

3. Children and Spouses: N/A.

4. Parents: Father—Deceased. Mother—None.

5. Grandparents: N/A—Deceased

6. Brothers and Spouses: None.

7. Sisters and Spouses: None.

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*Stephanie Sanders Sullivan, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Congo.

Nominee: Stephanie S. Sullivan.

Post: Brazzaville, Republic of Congo.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, Donee:

1. Self: None.

2. John H. Sullivan (spouse): None.

3. Daniel W. Sullivan (son: None.

4. Scott W. Sullivan (son: None.

5. John E. Sanders and Barbara W. Sanders (parents, deceased) None.

6. Roger and Gladys Wood (grandparents, decreased): None.

7. Alice H. Sanders (grandmother, deceased): None.

8. William L. Sanders (grandfather, deceased): None.

9. Thomas H. Sanders (brother) and Janice Sanders (sister-in-law): None.
10. Philip E. Sanders (brother): None.

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*Joseph Y. Yun, of Oregon, a Career Member of the Senior foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Malaysia.
Nominee: Joseph Y. Yun.
Post: Ambassador to Malaysia.
(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)
Contributions, Amount, Date, Donee:
1. Self: $100, 2013, Korean Americans for Obama.
2. Spouse: $100, 2012, Emily's List, $250, 2012, Obama for America.
3. Children and Spouses: Matthew and Amy Yun: None.
4. Parents: Chunja Kim: None. Sukwoo Yun: Deceased.
5. Grandparents: Hyung-Joong Yun: Deceased. Yuk-sung Ryu: Deceased: Chan-Ho-Kim: Deceased: Bong-Ja Kim: Deceased.
6. Brothers and Spouses: Yuojin Yun: None. Sookwon Kim: None.
7. Sisters and Spouses: Haechin Priestly: None. Richard Priestly: None. Haesun Yun: None. Chulho Lieu: None.

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*Linda Thomas-Greenfield, of Louisiana, to be an Assistant Secretary of State (African Affairs).
*James F. Entwistle, of Virginia, a career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Nigeria.
Nominee: James F. Entwistle.
Post: Abuja.
(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)
Contributions, amount, date, and donee:
1. Self: none.
2. Spouse: Pamela G. Schmoll: none.
3. Children and Spouses: Jennifer B.S. Entwistle (Daughter, not married): none; Jeffrey W.S. Entwistle (Son, not married): none.
4. Parents: Oliver H. Entwistle, Jr. (Father—deceased); Barbara G. Entwistle (Mother): $100, 11/9/11, Obama for America; $50, 11/15/11, Obama for America; $100, 1/12/12, Obama for America; $100, 3/4/12, Obama for America; $100, 7/13/12, Obama for America; $200, 8/20/12, Obama for America; $50.75, 3/4/12, Democratic Senatorial Campaign Committee (DSCC); $50, 7/13/12, Democratic Senatorial Campaign Committee (DSCC).
5. Grandparents: Geraldine Gaskill—deceased; Loren B. Gaskill—deceased; Emily G. Entwistle—deceased; Oliver H. Entwistle—deceased.
6. Brothers and Spouses: Steven D. Entwistle (only sibling): none; Sharon B. Entwistle (his wife): none.
7. Sisters and Spouses: N/A.

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*David D. Pearce, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Greece.
Nominee: David D. Pearce.
Post: Greece.
(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge the information contained in this report is complete and accurate.)
Contributions, amount, date, and donee:
1. Self: none.
2. Spouse: None.
3. Children and Spouses: Jennifer Eva Pearce: none; Joseph Alan Pearce: none.
4. Parents: D. Duane Pearce: none; Mary Jean Pearce: none.
5. Grandparents: Howard A. Pearce—deceased; Muriel Pearce—deceased; Joseph Little—deceased; Urania Little—deceased.
6. Brothers and Spouses: Michael Pearce: none; Kathleen Pearce: none; Jonathan Pearce—deceased; Robyn Pearce: none; Christopher Pearce—deceased.
7. Sisters and Spouses: Elizabeth Hunt: none. (NB: My sister was divorced this past year from David Hunt, who was reported as her spouse on the 2008 Federal Campaign Contribution Report that I filed in connection with my nomination as Ambassador to Algeria).

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*John B. Emerson, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Germany.
Nominee: John Bonnell Emerson.
Post: Ambassador to Germany.
(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)
Contributions, amounts, date, and donee:
1. Self: $1,500, 02/05/2013, Capital Group Inc. PAC; $2,500, 02/2013, Shaheen, Jeanne; $1,000, 03/2013, Markey, Ed; $1,000, 03/2013, Hagen, Kay; $1,000, 04/2013, Frankin, AL; $1,000, 04/2013, Begich, Mark; $−5,000, 12/21/2012, OfftheSidelinesPAC; $1,000, 11/06/2012, Waxman, Henry; $500, 10/07/2012, Nevada Senate Victory Fund; $2,500, 10/02/2012, Feinstein, Dianne, $5,000, 09/28/2012, OfftheSidelinesPAC; $1,000, 09/15/2012, Garamendi, John; $1,000, 09/14/2012, Carmona, Richard; $1,000, 08/27/2012, Brown, Sherrod; $2,500; 08/09/2012, Carper, Tom; $−100, 07/20/2012, DSCCmte/California; $200, 07/08/2012, DSCCmte/California; $250, 06/28/2012, Bysiewicz, Susan; $30,800, 05/31/2012; DNC; $1,000, 2012, Kloubachar, Amy; $1,000, 05/15/2012, Donnelly, Joe; $1,000, 04/11/2012, McCaskill, Claire; $2,500, 03/28/2012, Kennedy III, Joe; $2,000, 03/13/2012, Nelson, Bill; $500, 03/13/2012, Nelson, Bill; $1,000, 03/06/2012, Hahn, Janice; $1,000, 02/22/2012, Ruiz, Raul; $1,000, 02/15/2012, Cherny, Andrei; $1,000, 01/10/2012, Wasserman Schultz, Debbie; $2,500, 10/28/2011, Warren, Elizabeth, $500, 10/07/2011, Bass, Karen; $250, 09/30/2011, Bass, Karen; $1,000, 09/30/2011, Berman, Howard; $1,000, 09/23/2011, Gillibrand, Kirsten; $500, 09/21/2010, DCCC; $500, 09/14/2010, Coons, Chris; $1,000, 06/23/2010. Hodes, Paul; $500, 06/07/2010, Blumenauer, Earl; $1,000, 05/29/2010, Gillibrand, Kirsten; $500, 08/17/2011, Nelson, Bill; $1,000, 07/13/2011, Khazei, Alan; $500, 06/15/2011, Brown, Sherrod; $5,000, 06/09/2011, Obama Victory Fund; $5,000, 06/09/2011, DNC; $2,500, 05/23/2011, Kaine, Tim; $500, 03/30/2011, Sherman, Brad; $2,500, 03/07/011, Feinstein, Dianne; $1,000, 03/03/2011; McCaskill, Claire; $1,000, 10/27/2010, Dingell, John; $500, 10/06/2010, Harman, Jane; $500, 09/21/2010, Gillibrand, Kirsten; $500, 09/21/2010, DCCC; $500, 09/14/2010, Coons, Chris; $1,000, 06/23/2010, Hodes, Paul; $500, 06/07/2010, Blumenauer, Earl; $1,000, 05/29/2010, Gillibrand, Kirsten; $250, 05/13/2010, Critz, Mark; $250, 05/10/2010, Bass, Karen; $600, 02/05/2010, Boxer, Barbara; $400, 02/05/2010, Boxer, Barbara; $1,000, 01/11/2010, Fisher, Lee; $500, 12/17/2009, Meek, Kendrick; $1,000, 11/02/2009, Khazei, Alan; $1,000, 09/29/2009, Bennet, Michael; $1,000, 09/23/2009, Berman, Howard; $500, 06/30/2009, Dorgan, Byron; $500, 06/26/2009, Obey, David; $1,000, 06/18/2009, Garamendi, John; $−500, 05/13/2009, Chu, Judy; $500, 05/05/2009, Chu, Judy.
2. Spouse: Kimberly Marteau: $5,000, 09/17/2012, Off The Sidelines PAC; $2,500, 09/19/2011, DNC; $1,000, 02/10/2010, Carnahan, Robin; $5,000, 06/21/2011, Obama Victory Fund; $500, 09/30/2011, Brown, Sherrod.
3. Children and spouses: none.
4. Parents: James Emerson (Father): $250, 10/10/2012, Obama Victory Fund, subsequently disbursed in full to Obama for America; $200, 09/21/2012, DCCC; $312, 07/18/2012, DCCC; $50, 2012, DCCC; $125, 2012, DCCC; $150, 2012, DCCC; $200, 2011, DCCC; $100, 2011, DCCC; $200, 11/13/2009, DSCC; $85, 2012, DLCC.
5. Grandparents: none.
6. Brother: James Emerson: $250, 10/10/2012, Obama Victory Fund.

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*John Rufus Gifford, of Massachusetts, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Denmark.
Nominee: John Rufus Gifford.
Post: Ambassador to Denmark.
(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)
Contributions, amount, date, and donee:
1. Self: $500, 8/19/10, Friends of Barb. Boxer; $500, 9/14/11, Kaine for VA; $5000, 11/22/11, Obama Victory Fund; $500, 11/29/11, Tammy Baldwin for Senate; $1000, 6/25/12, Cicilline Committee.
2. Children and Spouses: N//A.
3. Parents: Charles Gifford: $2500, 7/27/09, DNC; $2400, 1/16/10, Coakley for Senate; $15200, 3/15/10, DNC; $2400 6/30/10 Bennett for CO; $2400, 10/21/10, Bennett for CO; $2460, 2/14/11, McCaskill for MO; $1500, 6/30/11, Khazei for MA; $17,500, 9/28/11, Obama Victory Fund; $2000, 10/29/11, Bill Keating Committee; $2000, 11/15/11, Barney Frank for Congress; $7500, 12/09/11, Obama Victory Fund; $2500, 12/31/11, Obama Victory Fund; $2500, 3/14/12, Joe Kennedy for Congress; $2500, 7/19/12, Kaine for VA; $40000 8/1/12, Obama Victory Fund; $1000, 8/23/12, Joe Kennedy for Congress; $1500, 8/26/12, Andrei for AZ; $1500, 8/27/12, Win VA 2012; $2000, 9/26/12, Angus King for Senate. Anne Gifford: $30000, 6/12/09, DNC; $2000, 10/27/09, Citizens for Alan Khazei; $2400, 1/16/10, Coakley for Senate; $15200, 3/15/12, DNC; $2400, 5/17/10, Barney Frank for Congress; $1000, 12/1/10, Friends of Sherrod Brown; $1000, 6/26/11, Khazei for MA; $1000, 6/30/11, Obama for America; $17500, 9/28/11, Obama Victory Fund; $1500, 9/30/11, Khazei for MA; $15000, 12/18/11, Obama Victory Fund; $20000, 4/18/12, Obama Victory Fund; $2500, 7/19/12, Kaine for VA; $1000, 8/23/12, Joe Kennedy for Congress; $1000, 8/27/12, Win VA 2012; $2000, 9/13/12, Tisei Congressional Cmte.
4. Grandparents: N/A.
5. Brothers and Spouses: Charles Gifford, Jr.: $3500, 9/20/11, Khazei for MA. Betsey Gifford: None.
6. Sisters and Spouses: Ramsay Trussell: None. Geoffrey Trussell: None. Jessica Nigrelli (most made under Jessica Gifford): $1000, 10/20/09, Coakley for Senate; $500, 11/05/09, Capuano Committee; $15200, 3/16/10, DNC; $2000, 6/11/12, Obama Victory Fund; $400, 6/30/11, Obama for America; $500, 7/26/11, Obama Victory Fund; $1500, 10/31/11, Obama Victory Fund. Andrew Nigrelli: None.

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*Denise Campbell Bauer, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Belgium.
Nominee: Denise Campbell Bauer.
Post: Belgium.
(The following is a list of all members of my immediate family and their spouses. I

have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: $7600, 01/12/2011, DNC; $500, 06/12/2009, DNC; $250, 04/16/2011, OVF; $300, 06/21/2012, OVF; $300, 06/12/2012, OVF; $1000, 03/27/2012, OVF; $1000, 12/13/2011, OVF; $250, 05/31/2012, OVF; $250, 09/17/2012, OVF; $500, 09/25/2012, OVF; $1000, 09/30/2012, OVF; $600, 08/23/2012, OVF; $250, 04/16/2011, OFA; $1000, 03/27/2012, OFA; $1000, 12/13/2011, OFA; $205, 05/31/2012, OFA; $300, 06/21/2012, OFA; $300, 06/21/2012 0FA; $645, 09/30/2012, DNC; $250, 09/17/2012, OFA; $500, 09/25/2012, OFA; $355, 09/30/2012, OFA; $250, 09/09/2011, Kaine for Virginia; $500, 01/31/2012, Kaine for Virginia; $200, 10/17/2010, Friends of Barbara Boxer.

2. Spouse: Steven Bauer: $355, 10/10/2012, OFA.

3. Children and Spouses: Katherine Bauer: None. Natalie Bauer: None.

4. Parents: Charlotte Campbell: $200, 10/04/2012, OVF; $100, 09/14/2012, OVF; $25, 08/31/2012, OVF; $100, 05/31/2012, OVF.

Dennis R. Elston: None. Gaylo Elston: None.

5. Grandparents: Elizabeth Tharp: None. Vernon Tharp: None. Evelyn Elston: None. Charles Elston: None.

6. Brothers and Spouses: Dennis A. Elston: None. Erin Elston: None.

7. Sisters and Spouses: Jessica Campbell: None. Michael Reget: None. Mary Elston: None. Elizabeth Williams: None.

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*James Costos, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Spain.

Nominee: James Costos.

Post: U.S. Ambassador to Spain, U.S. Ambassador to Andorra.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: 09.16.2009, DNC Services Corporation/Democratic National Committee, $500; 09.30.2012, Collins for Senate, $2,500; 04.14.2012, Obama Victory Fund 2012, $5,000; 06.04.2012, Obama Victory Fund 2012, $1,250; 07.02.2012, Obama Victory Fund 2012, $15,000; 08.07.2012, Obama Victory Fund 2012, $5,000; 10.22.2012, Obama Victory Fund 2012, $5,000; 12.16.2011, Obama Victory Fund 2012, $35,800; 04.30.2012, DNC Services Corporation/Democratic National Committee, $5,000; 06.21.2012, DNC Services Corporation/Democratic National Committee, $1,250; 07.31.2012, DNC Services Corporation/Democratic National Committee, $15,000; 09.04.2012, DNC Services Corporation/Democratic National Committee, $5,000; 10.22.2012, DNC Services Corporation/Democratic National Committee, $4,550; 12.31.2011, DNC Services Corporation/Democratic National Committee, $30,800; 12.16.2011, Obama for America, $2,495; 12.16.2011, Obama for America, $2,500; 9.27.2012, Lon Johnson, $500; 1.1.2013 (est.), Christine Quinn for Mayor, $2,950; 1.15.2013, Corey Booker for Senate (Primary), $2,600; 1.15.2013, Corey Booker for Senate (General), $2,400; 3.19.2013, Kay Hagan for Senate, $2,600; TOTAL, $142,695.

2. Spouse: N/A.

3. Children and Spouses: N/A.

4. Parents: Katherine Costos & Charles Costos—no donations.

5. Grandparents: Achilleas Kostopoulos & Kyriakitsa Kostopoulos—no donations. James Dardas & Theopoula Dardas—no donations.

6. Brothers and Spouses: N/A.

7. Sisters and Spouses: Maria Shahum & Peter Shahum—no donations. Elaine Scott & Jack Scott—no donations.

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*James Costos, of California, to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Andorra.

Nominee: James Costos.

Post: U.S. Ambassador to Spain, U.S. Ambassador to Andorra

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: 9.16.2009, DNC Services Corporation/Democratic National Committee, $500; 9.30.2012, Collins For Senate, $2,500; 04.14.2012, Obama Victory Fund 2012, $5,000; 06.04.2012, Obama Victory Fund 2012, $1,250; 07.02.2012, Obama Victory Fund 2012, $15,000; 08.07.2012, Obama Victory Fund 2012, $5,000; 10.22.2012, Obama Victory Fund 2012, $5,000; 12.16.2011, Obama Victory Fund 2012, $35,800; 04.30.2012, DNC Services Corporation/Democratic National Committee, $5,000; 06.21.2012, DNC Services Corporation/Democratic National Committee, $1,250; 07.31.2012, DNC Services Corporation/Democratic National Committee, $15,000; 09.04.2012, DNC Services Corporation/Democratic National Committee, $5,000; 10.22.2012, DNC Services Corporation/Democratic National Committee, $4,550; 12.31.2011, DNC Services Corporation/Democratic National Committee, $30,800; 12.16.2011, Obama for America, $2,495; 12.16.2011, Obama for America, $2,500; 9.27.2012, Lon Johnson, $500; 1.1.2013, (est.) Christine Quinn for Mayor, $2,950; 1.15.2013, Corey Booker for Senate (Primary), $2,600; 1.15.2013, Corey Booker for Senate (General), $2,400; 3.19.2013, Kay Hagan for Senate, $2,600; TOTAL, $142,695.

2. Spouse: N/A.

3. Children and Spouses: N/A.

4. Parents: Katherine Costos & Charles Costos—no donations.

5. Grandparents: Achilleas Kostopoulos & Kyriakitsa Kostopoulos—no donations. James Dardas & Theopoula Dardas—no donations.

6. Brothers and Spouses: N/A.

7. Sisters and Spouses: Maria Shahum & Peter Shahum—no donations. Elaine Scott & Jack Scott—no donations.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. COONS (for himself and Mr. LEAHY):

S. 1385. A bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes; to the Committee on the Judiciary.

By Mr. MENENDEZ (for himself and Mr. CORKER):

S. 1386. A bill to provide for enhanced embassy security, and for other purposes; to the Committee on Foreign Relations.

By Mr. REED (for himself and Mr. JOHANNS):

S. 1387. A bill to establish a pilot program to authorize the Secretary of Housing and Urban Development to make grants to nonprofit organizations to rehabilitate and modify homes of disabled and low-income veterans; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LEVIN (for himself, Mr. DURBIN, Ms. STABENOW, and Mr. BROWN):

S. 1388. A bill to require the Secretary of Health and Human Services, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Energy, to conduct a study on the public health and environmental impacts of the production, transportation, storage, and use of petroleum coke, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. GILLIBRAND:

S. 1389. A bill to direct the Secretary of the Interior to study the suitability and feasibility of designating the Prison Ship Martyrs' Monument in Fort Greene Park, in the New York City borough of Brooklyn, as a unit of the National Park System; to the Committee on Energy and Natural Resources.

By Mr. KING (for himself and Mr. BLUNT):

S. 1390. A bill to establish an independent advisory committee to review certain regulations, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. HARKIN (for himself, Mr. GRASSLEY, and Mr. LEAHY):

S. 1391. A bill to amend the Age Discrimination in Employment Act of 1967 and other laws to clarify appropriate standards for Federal employment discrimination and retaliation claims, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. SHAHEEN (for herself and Mr. PORTMAN):

S. 1392. A bill to promote energy savings in residential buildings and industry, and for other purposes; read the first time.

By Mr. SCHUMER (for himself, Mr. BENNET, Mr. BLUMENTHAL, Mr. BROWN, Mr. CARDIN, Mr. CASEY, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. MENENDEZ, Ms. MIKULSKI, Mr. NELSON, Mr. REID, Mr. RUBIO, and Mr. WYDEN):

S. 1393. A bill to ensure that the courts of the United States may provide an impartial forum for claims brought by United States citizens and others against any railroad organized as a separate legal entity, arising from the deportation of United States citizens and others to Nazi concentration camps on trains owned or operated by such railroad, and by the heirs and survivors of such persons; to the Committee on the Judiciary.

By Mr. TESTER:

S. 1394. A bill to provide for the settlement of the water rights claims of the Fort Belknap Indian Community, and for other purposes; to the Committee on Indian Affairs.

By Mr. LEAHY (for himself, Mr. COCHRAN, Mr. CASEY, and Mr. MORAN):

S. 1395. A bill to amend the Internal Revenue Code of 1986 to permanently extend and

expand the charitable deduction for contributions of food inventory; to the Committee on Finance.

By Mr. UDALL of Colorado (for himself and Mr. INHOFE):

S. 1396. A bill to authorize the Federal Emergency Management Agency to award mitigation financial assistance in certain areas affected by wildfire; to the Committee on Homeland Security and Governmental Affairs.

By Mr. PORTMAN (for himself, Mrs. MCCASKILL, Mr. DONNELLY, Mr. ENZI, and Mr. BARRASSO):

S. 1397. A bill to improve the efficiency, management, and interagency coordination of the Federal permitting process through reforms overseen by the Director of the Office of Management and Budget, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CARPER (for himself, Mr. COBURN, Mr. PRYOR, Mr. BEGICH, Mr. PORTMAN, Mr. TESTER, and Ms. AYOTTE):

S. 1398. A bill to require the Federal Government to expedite the sale of underutilized Federal real property; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DURBIN:

S. 1399. A bill to amend the Servicemembers Civil Relief Act to extend the interest rate limitation on debt entered into during military service to debt incurred during military service to consolidate or refinance student loans incurred before military service; to the Committee on Veterans' Affairs.

By Mr. REED (for himself and Mr. BROWN):

S. 1400. A bill to increase access to adult education to provide for economic growth; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GRASSLEY (for himself and Mr. LEVIN):

S. Res. 202. A resolution designating July 30, 2013, as ''National Whistleblower Appreciation Day''; considered and agreed to.

By Mrs. FEINSTEIN (for herself, Mr. KAINE, and Mr. HEINRICH):

S. Res. 203. A resolution expressing the sense of the Senate regarding efforts by the United States to resolve the Israeli-Palestinian conflict through a negotiated two-state solution; to the Committee on Foreign Relations.

By Mr. KING (for himself and Ms. COLLINS):

S. Res. 204. A resolution designating August 7, 2013, as ''National Lighthouse and Lighthouse Preservation Day''; considered and agreed to.

By Ms. STABENOW (for herself, Ms. AYOTTE, Mr. BLUMENTHAL, Mr. BOOZMAN, Mrs. BOXER, Ms. COLLINS, Mr. DURBIN, Mrs. FEINSTEIN, Mrs. HAGAN, Ms. HIRONO, Mr. MENENDEZ, Mr. MORAN, Mr. RUBIO, Mrs. SHAHEEN, Mr. UDALL of Colorado, Mr. VITTER, Ms. WARREN, and Mr. WHITEHOUSE):

S. Res. 205. A resolution expressing support for the designation of September 2013 as National Ovarian Cancer Awareness Month; considered and agreed to.

By Mr. SESSIONS (for himself, Mr. CARDIN, Mr. CRAPO, Mr. WICKER, Mr. CHAMBLISS, Mr. JOHNSON of South Dakota, Mr. SHELBY, Mrs. BOXER, Mrs. FEINSTEIN, Mr. MENENDEZ, Mrs. HAGAN, Mr. MORAN, Ms. AYOTTE, Mr. BLUNT, and Mr. KING):

S. Res. 206. A resolution designating September 2013 as ''National Prostate Cancer Awareness Month''; considered and agreed to.

ADDITIONAL COSPONSORS

S. 154

At the request of Mr. COBURN, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 154, a bill to amend title I of the Patient Protection and Affordable Care Act to ensure that the coverage offered under multi-State qualified health plans offered in Exchanges is consistent with the Federal abortion funding ban.

S. 204

At the request of Mr. ENZI, his name was added as a cosponsor of S. 204, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 240

At the request of Mr. TESTER, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 240, a bill to amend title 10, United States Code, to modify the per-fiscal year calculation of days of certain active duty or active service used to reduce the minimum age at which a member of a reserve component of the uniformed services may retire for nonregular service.

S. 314

At the request of Mr. REED, his name was added as a cosponsor of S. 314, a bill to amend the Public Health Service Act to improve the health of children and help better understand and enhance awareness about unexpected sudden death in early life.

S. 381

At the request of Mr. BROWN, the names of the Senator from Delaware (Mr. COONS), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of S. 381, a bill to award a Congressional Gold Medal to the World War II members of the ''Doolittle Tokyo Raiders'', for outstanding heroism, valor, skill, and service to the United States in conducting the bombings of Tokyo.

S. 409

At the request of Mr. BURR, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 409, a bill to add Vietnam Veterans Day as a patriotic and national observance.

S. 554

At the request of Mr. ISAKSON, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 554, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government.

S. 629

At the request of Mr. PRYOR, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 629, a bill to amend title 38, United States Code, to recognize the service in the reserve components of the Armed Forces of certain persons by honoring them with status as veterans under law, and for other purposes.

S. 675

At the request of Ms. AYOTTE, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 675, a bill to prohibit contracting with the enemy.

S. 727

At the request of Mr. MORAN, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 727, a bill to improve the examination of depository institutions, and for other purposes.

S. 790

At the request of Mrs. MCCASKILL, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 790, a bill to require the United States International Trade Commission to recommend temporary duty suspensions and reductions to Congress, and for other purposes.

S. 907

At the request of Mrs. SHAHEEN, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 907, a bill to provide grants to better understand and reduce gestational diabetes, and for other purposes.

S. 1033

At the request of Mr. HARKIN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1033, a bill to authorize a grant program to promote physical education, activity, and fitness and nutrition, and to ensure healthy students, and for other purposes.

S. 1053

At the request of Mr. WYDEN, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 1053, a bill to amend title XVIII of the Social Security Act to strengthen and protect Medicare hospice programs.

S. 1140

At the request of Mrs. GILLIBRAND, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 1140, a bill to extend the authorization of the Highlands Conservation Act through fiscal year 2024.

S. 1174

At the request of Mr. BLUMENTHAL, the names of the Senator from Colorado (Mr. BENNET) and the Senator from Delaware (Mr. COONS) were added as cosponsors of S. 1174, a bill to award a Congressional Gold Medal to the 65th Infantry Regiment, known as the Borinqueneers.

S. 1195

At the request of Mr. BARRASSO, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 1195, a bill to repeal the renewable fuel standard.

S. 1204

At the request of Mr. COBURN, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 1204, a bill to amend the Patient Protection and Affordable Care Act to protect rights of conscience with regard to requirements for coverage of specific items and services, to amend the Public Health Service Act to prohibit certain abortion-related discrimination in governmental activities, and for other purposes.

S. 1208

At the request of Mr. TESTER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1208, a bill to require meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 1215

At the request of Mr. LEAHY, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1215, a bill to strengthen privacy protections, accountability, and oversight related to domestic surveillance conducted pursuant to the USA PATRIOT Act and the Foreign Intelligence Surveillance Act of 1978.

S. 1218

At the request of Mr. WARNER, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1218, a bill to establish a State Energy Race to the Top Initiative to assist energy policy innovation in the States to promote the goal of doubling electric and thermal energy productivity by January 1, 2030.

S. 1228

At the request of Mr. WYDEN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1228, a bill to establish a program to provide incentive payments to participating Medicare beneficiaries who voluntarily establish and maintain better health.

S. 1254

At the request of Mr. NELSON, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1254, a bill to amend the Harmful Algal Blooms and Hypoxia Research and Control Act of 1998, and for other purposes.

S. 1271

At the request of Mr. RUBIO, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 1271, a bill to direct the President to establish guidelines for the United States foreign assistance programs, and for other purposes.

S. 1279

At the request of Ms. LANDRIEU, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 1279, a bill to prohibit the revocation or withholding of Federal funds to programs whose participants carry out voluntary religious activities.

S. 1335

At the request of Ms. MURKOWSKI, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1335, a bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

S. 1342

At the request of Mr. FLAKE, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1342, a bill to amend the Internal Revenue Code of 1986 to permit expensing of certain depreciable business assets for small businesses.

S. 1349

At the request of Mr. MORAN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1349, a bill to enhance the ability of community financial institutions to foster economic growth and serve their communities, boost small businesses, increase individual savings, and for other purposes.

S. 1360

At the request of Mr. CARPER, the name of the Senator from Wisconsin (Mr. JOHNSON) was added as a cosponsor of S. 1360, a bill to amend the Improper Payments Elimination and Recovery Improvement Act of 2012, including making changes to the Do Not Pay initiative, for improved detection, prevention, and recovery of improper payments to deceased individuals, and for other purposes.

S. 1378

At the request of Mr. BLUNT, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 1378, a bill to amend title 5, United States Code, to provide for investigative leave requirements with respect to Senior Executive Service employees, and for other purposes.

S. RES. 69

At the request of Mr. INHOFE, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. Res. 69, a resolution calling for the protections of religious minority rights and freedoms in the Arab world.

S. RES. 164

At the request of Mr. UDALL of Colorado, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. Res. 164, a resolution designating October 30, 2013, as a national day of remembrance for nuclear weapons program workers.

S. RES. 165

At the request of Mr. DURBIN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. Res. 165, a resolution calling for the release from prison of former Prime Minister of Ukraine Yulia Tymoshenko in light of the recent European Court of Human Rights ruling.

S. RES. 199

At the request of Mr. COONS, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. Res. 199, a resolution celebrating the 200th August Quarterly Festival taking place from August 18, 2013, through August 25, 2013, in Wilmington, Delaware.

AMENDMENT NO. 1814

At the request of Mr. COCHRAN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of amendment No. 1814 intended to be proposed to S. 1243, an original bill making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2014, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REED (for himself and Mr. JOHANNS):

S. 1387. A bill to establish a pilot program to authorize the Secretary of Housing and Urban Development to make grants to nonprofit organizations to rehabilitate and modify homes of disabled and low-income veterans; to the Committee on Banking, Housing, and Urban Affairs.

Mr. REED. Mr. President, I am proud to be once again reintroducing the Housing Assistance for Veterans Act, HAVEN Act, with my colleague, Senator JOHANNS.

Last year, we joined forces to successfully pass this legislation as an amendment during the Senate's consideration of the National Defense Authorization Act, NDAA. Unfortunately, due to concerns by some on the Veterans' Affairs Committee, it was not included in the final version of the NDAA. Those concerns have been addressed in this version of the HAVEN Act, and I would like to thank the Veterans' Affairs Committee for working cooperatively with us to strengthen the legislation.

Our veterans have made many personal sacrifices in service to our Nation, and we must honor our commitment to provide them with the care they have earned and deserve. One such way is to ensure that they have access to adequate housing.

According to Rebuilding Together, 5.5 million of our veterans are disabled, and one and a half million are at risk of homelessness. In my home State of Rhode Island, according to the U.S. Census Bureau, there are more than 19,000 veterans with disabilities, each of whom face their own unique challenges in terms of their housing needs.

The Department of Veterans Affairs, VA, has programs that assist veterans in adapting and improving their homes, but unfortunately, these programs do not extend assistance to all veterans with disabilities. It is clear we must do more, and with this legislation, we are seeking to serve all veterans with disabilities, regardless of the severity of the disability and whether the disability is service-connected.

The HAVEN Act will give veterans the opportunity to renovate and modify their existing homes by installing wheelchair ramps, widening doors, reequipping rooms, and making necessary additions and adjustments to existing structures—all so that these homes are safer and more suitable for our veterans.

Our legislation encourages key stakeholders, such as the Department of Housing and Urban Development, the VA, housing non-profits, and veterans service organizations, to work together to serve our veterans. In order to extend the reach of this Federal funding, grant recipients would be expected to either match Federal funding or make in-kind contributions, through encouraging volunteers to help make repairs or engaging businesses to donate needed supplies.

This bill is supported by the American Legion, Veterans of Foreign Wars, Vietnam Veterans of America, Paralyzed Veterans of America, VetsFirst, a program of United Spinal Association, Iraq and Afghanistan Veterans of America, Habitat for Humanity, and Rebuilding Together. I thank Senator JOHANNS for working with me on this important bill, and I look forward to working with him and the rest of our colleagues to pass this legislation.

By Mr. LEVIN (for himself, Mr. DURBIN, Ms. STABENOW, and Mr. BROWN):

S. 1388. A bill to require the Secretary of Health and Human Services, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Energy, to conduct a study on the public health and environmental impacts of the production, transportation, storage, and use of petroleum coke, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. LEVIN. Mr. President, I am introducing today, with my colleagues Senators Durbin, Stabenow, and Brown, the Petroleum Coke Transparency and Public Health Study Act, which would require the Department of Health and Human Services to conduct a study on the health and environmental impacts of petroleum coke. This bill, which is a companion to a bill introduced by Representative PETERS on June 6, 2013, was motivated by a situation in Detroit.

In March 2013, large piles of uncontained petroleum coke stored along the banks of the Detroit River became publicly visible, raising questions about the potential environmental and public health impacts. Sitting just feet from the Detroit River, the piles have grown to nearly three stories high over the past several months. I want to make sure that this low-grade fuel does not pose a threat to the people of Detroit or impair our waterways. The Detroit River is a valued resource that must be preserved and protected.

Petroleum coke is a byproduct of refining crude oil into liquid fuels such as gasoline and diesel. It is a commodity that can be cofired with coal to produce low-cost energy. In recent years, a number of U.S. refineries have undergone expansions in order to accommodate increases in processing crude oil, including the Marathon refinery in Detroit, MI; the Cenovus refinery in Wood River, IL; and the BP refinery in Whiting, IN.

With increases in crude oil processing in the United States and Canada, petroleum coke production is expected to rise. However, the impacts of petroleum coke on public health and the environment have not been fully assessed. Further, each State has different regulations for managing, storing, and transporting it. It is important that we understand the market projections for petroleum coke, how to properly manage it, and its potential impacts on public health and the environment.

This bill would address these key knowledge gaps by requiring a comprehensive study on petroleum coke. The study would include an analysis of the public health and environmental impacts of the production, transportation, storage, and use of petroleum coke; an assessment of best practices for storing, transporting, and managing petroleum coke; and a quantitative analysis of current and projected domestic petroleum coke production and utilization locations.

We should ensure that energy production occurs in a diligent and responsible manner and does not harm public health or our environment. With a changing energy market and limited dollars, we must have a comprehensive understanding of how to effectively and efficiently manage our future energy supply. This bill would give us the tools to properly manage petroleum coke production with good environmental and public stewardship.

By Mr. KING (for himself and Mr. BLUNT):

S. 1390. A bill to establish an independent advisory committee to review certain regulations, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. KING. Mr. President, I would like to offer a few words on a bill that I am introducing today with my colleague and friend, Senator ROY BLUNT of Missouri. Upon my arrival to the Senate, Senator BLUNT and I shared a conversation in which we discovered our interest in proposing pragmatic legislation that would go about easing the ever-growing regulatory burden borne by businesses across the country. Since then, we have worked together to craft a bill that takes a reasonable approach toward thinning out older regulations that have outlived their utility, all while retaining essential congressional oversight. Today we introduce the Regulatory Improvement Act of 2013, which I believe will achieve this goal.

The Regulatory Improvement Act will create an independent Regulatory Improvement Commission that will be tasked with reviewing outdated regulations with the goals of modifying, consolidating, or repealing regulations in order to reduce compliance costs, encourage growth and innovation, and improve competitiveness. The composition of the commission will be determined by congressional leadership and the President, and the commission will be tasked with identifying a single sector or area of regulations for consideration. After extensive review involving broad public and stakeholder input, the commission will submit to Congress a report containing regulations in need of streamlining, consolidation, or repeal. This report will enjoy expedited legislative procedures and will be subject to an up-or-down vote in both houses of Congress without amendment.

Let me be clear: the intent of this bill is not to engage in a wholesale dismantling of the existing regulatory regime. In particular, I share some of my colleagues concerns that ''regulatory reform'' can be employed as a euphemism to disguise an undercurrent of efforts to completely undo significant legislation—from the Clean Air Act to the Affordable Care Act. I do not support such efforts. That said, I believe there is broad bipartisan consensus that regulations have a cumulative effect and that Congress has neither the expertise nor formal mechanisms through which it can effectively and expeditiously conduct retrospective analyses. A Regulatory Improvement Commission would provide a vehicle for the review of older regulations and provided much-needed relief to businesses struggling to comply with layers of competing or even duplicative regulations.

In a larger sense, this bill seeks to reclaim some of the ground that Congress has ceded to executive agencies in recent years. From my vantage point, the current regulatory structure has become akin to a fourth, unchecked branch of government. As an institution, we must find ways to reverse this disturbing trend and reestablish an appropriate role of congressional oversight. Therefore, I am glad to introduce this bipartisan bill that offers a reasonable way to revisit older regulations, and I thank Senator BLUNT for his interest and support of the proposal.

By Mr. HARKIN (for himself, Mr. GRASSLEY, and Mr. LEAHY):

S. 1391. A bill to amend the Age Discrimination in Employment Act of 1967 and other laws to clarify appropriate standards for Federal employment discrimination and retaliation claims, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, today I join with my senior colleague from Iowa, Senator GRASSLEY, and with the distinguished chair of the Judiciary

Committee, Senator LEAHY, in reintroducing the Protecting Older Workers Against Discrimination Act.

The need for this legislation was vividly demonstrated by the experience of an Iowan—Jack Gross. Mr. Gross gave the prime of his life, a quarter century of loyal service, to one company. Despite Mr. Gross's stellar work record, FBL Financial demoted him and other employees over the age of 50 and gave his job to a younger employee.

Expressly to prevent this kind of discrimination, in 1967 Congress passed the Age Discrimination in Employment Act, ADEA. Modeled from and using the same language as Title VII of the Civil Rights Act of 1964—which prohibits employment discrimination on the basis of race, sex, national origin and religion—the ADEA makes it unlawful to discriminate on the basis of age.

When Mr. Gross sought to enforce his rights under this law, a jury of Iowans heard the facts and found that his employer discriminated against him because of his age. That jury awarded him almost $47,000 in lost compensation.

The case was ultimately appealed to the Supreme Court. In June 2009, in Gross v. FBL Financial, Inc., the Court ruled against Mr. Gross, and in doing so made it harder for those with legitimate age discrimination claims to prevail under the ADEA. In fact, on remand, despite the fact Mr. Gross had established that age discrimination was a factor in his demotion, he lost his retrial.

For decades, the law was clear. In 1989, in Price Waterhouse v. Hopkins, the Court ruled that if a plaintiff seeking relief under Title VII of the Civil Rights Act demonstrated that discrimination was a ''motivating'' or ''substantial'' factor behind the employer's action, the burden shifted to the employer to show it would have taken the same action regardless of the plaintiff's membership in a protected class. As part of the Civil Rights Act of 1991, Congress codified the ''motivating factor'' standard with respect to Title VII discrimination claims.

Since the ADEA uses the same language as Title VII, was modeled from it, and had been interpreted consistent with the Civil Rights Act, courts rightly and consistently held that, like a plaintiff claiming discrimination on the basis of race, sex, religion and national origin, a victim bringing suit under the ADEA need only show that membership in a protected class was a ''motivating factor'' in an employer's action. If an employee showed that age was one factor in an employment decision, the burden was on the employer to show it had acted for a legitimate reason other than age.

In Gross, the Court, addressing a question on which it did not grant certiorari, tore up this decades' old standard. In its place, the Court imposed a standard that makes it prohibitively difficult for a victim to prove age discrimination. According to the Court, a plaintiff bears the full burden of proving that age was not only a ''motivating'' factor but the ''but for'' factor, or decisive factor. And, unfortunately, just last month the Supreme Court, in University of Texas Southwestern Medical Center v. Nassar, extended Gross to retaliation cases under Title VII of the Civil Rights Act. Moreover, lower courts have extended Gross to other civil rights claims, including cases arising under the Americans with Disabilities Act and the Rehabilitation Act.

The extremely high burden Gross imposes radically undermines workers' ability to hold employers accountable. As Professor Helen Norton testified to the HELP Committee, ''Gross entirely insulates from liability even an employer who confesses discrimination so long as that employer had another reason for its decision. By permitting employers to escape liability altogether even for a workplace admittedly infected by discrimination, with no incentive to refrain from similar discrimination in the future, the Gross rule thus undermines Congress's efforts to stop and deter workplace discrimination.''

Bear in mind, unlawful discrimination is often difficult to detect. Obviously, those who discriminate do not often admit they are acting for discriminatory reasons. Employers rarely post signs saying, for example, ''older workers need not apply.'' To the contrary, they go out of their way to conceal their true intent. The employer is in the best position to offer an explanation of why a decision that involves discrimination or retaliation was actually motivated by legitimate reasons. As Professor Norton testified, ''[s]uch burden shifting appropriately recognizes and responds to employers' greater access to information that is key to proving or disproving an element of a particular claim . . .'' By putting the entire burden on the worker to demonstrate the absence or insignificance of other factors, the court in effect has freed employers to discriminate or retaliate.

Unfortunately, as Mr. Gross and his colleagues know all too well, age discrimination does indeed occur. Countless thousands of American workers who are not yet ready to voluntarily retire find themselves jobless or passed over for promotions because of age discrimination. Older workers often face stereotypes: That they are not as productive as younger workers; that they cannot learn new skills; that they somehow have a lesser need for income to provide for their families.

Indeed, according to an AARP study, 60% of older workers have reported that they or someone they know has faced age discrimination in the workplace. According to the Equal Employment Opportunity Commission, in Fiscal Year 2012, over 2,800 age discrimination complaints were filed, a more than 20 percent increase from just five years ago. Given the stereotypes that older workers face, it is no surprise that on average they remain unemployed for more than twice as long as all unemployed workers.

The Protecting Older Workers Against Discrimination Act reiterates the principle that Congress established when it passed the Civil Rights Act of 1964, the Age Discrimination in Employment Act, the Rehabilitation Act and the Americans with Disabilities Act—when making employment decisions it is illegal for race, sex, national origin, religion, age or disability to be a factor.

The bill repudiates the Supreme Court's Gross v. FBL Financial decision and will restore the law to what it was for decades. It makes clear that when an employee shows discrimination was a ''motivating factor'' behind a decision, the burden is properly on the employer to show the same decision would have been made regardless of discrimination or retaliation. And, like the Civil Rights Act of 1991 with respect to discrimination cases under Title VII, if the employer meets that burden, the employer remains liable, but remedies are limited.

This is a common sense, bipartisan bill. In fact, the Civil Rights Act of 1991, key provisions of which served as a model for this legislation, passed the Senate on a bipartisan basis 93–5. Further, we are introducing this bill only after countless hours of consultation with civil rights stakeholders and representatives of the business community. Moreover, this bill addresses the concerns that were raised about an earlier version of the bill at a hearing held before the Health, Education, Labor, and Pensions Committee in March 2010.

In fact, I want to comment on two changes from that earlier version of this bill introduced in the last Congress. Since October 2009, when Senator LEAHY and I first introduced the Protecting Older Workers Against Discrimination Act, we have had the benefit of nearly three and a half years of lower court application of the Gross decision.

The 2009 bill would have expressly amended the ADEA to make clear that the analytical framework set out in McDonnell Douglas v. Green applied to that statute. Even though, before Gross, every Court of Appeals had held that McDonnell Douglas had applied to age claims, this clarification was meant to address a footnote in Gross in which the Court arguably questioned the applicability of McDonnell Douglas to the ADEA. Since the bill was first introduced, however, every lower court that has examined the issue has continued to apply McDonnell Douglas to the ADEA. As a result, because McDonnell Douglas applies to the ADEA already, we deem it unnecessary to amend the statute.

Second, the initial bill expressly amended only the ADEA. Since Gross, however, lower courts have applied the Court's reasoning in that decision to

other statutes. Because the most notable application has been to the ADA, Rehabilitation Act and Title VII retaliation claims, those statutes are expressly amended here too.

Finally, in Gross, the Court defended the Court's departure from well-established law by noting that it ''cannot ignore Congress' decision to amend Title VII's relevant provisions but not make similar changes to the ADEA.'' In other words, the Court found that because Congress, in the Civil Rights Act of 1991, codified the ''motivating factor'' framework for discrimination claims under Title VII, but not for the ADEA, Congress somehow must have intended Price Waterhouse not to apply to any statute but Title VII.

Because of the Court's reasoning, I want to emphasize that this bill in no way questions the motivating factor framework for other anti-discrimination and anti-retaliation statutes that are not expressly covered by the legislation. As the bill's findings make clear, not only does this bill repudiate the Gross decision itself, but it expressly repudiates the reasoning underlying the decision, including the argument that Congress's failure to amend any statute other than Title VII means that Congress intended to disallow mixed motive claims under other statutes. It would be an error for a court to apply similar reasoning following passage of this bill to other statutes. The fact that other statutes are not expressly amended in this bill does not mean that Congress endorses Gross's application to any other statute.

In conclusion, this bill is very straightforward. It reiterates what Congress said in 1967 when it passed the ADEA—when making employment decisions it is illegal for age to be a factor. A person should not be judged arbitrarily because he or she was born in a certain year or earlier when he or she still has the ability to contribute as much, or more, as the next person. This bill will help ensure that all our citizens will have an equal opportunity, commensurate with their abilities, for productive employment.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1391

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Protecting Older Workers Against Discrimination Act''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) In enacting section 107 of the Civil Rights Act of 1991 (adding section 703(m) of the Civil Rights Act of 1964), Congress reaffirmed its understanding that unlawful discrimination is often difficult to detect and prove because discriminators do not usually admit their discrimination and often try to conceal their true motives. Section 703(m) of the Civil Rights Act of 1964 expressly approved so-called ''mixed motive'' claims, providing that an unlawful employment practice is established when a protected characteristic was a motivating factor for any employment practice, even though other factors also motived the practice.

(2) Congress enacted amendments to other civil rights statutes, including the Age Discrimination in Employment Act of 1967 (referred to in this section as the ''ADEA''), the Americans with Disabilities Act of 1990, and the Rehabilitation Act of 1973, but Congress did not expressly amend those statutes to address mixed motive discrimination.

(3) In the case of Gross v. FBL Financial Services, Inc., 557 U.S. 167 (2009), the Supreme Court held that, because Congress did not expressly amend the ADEA to address mixed motive claims, such claims were unavailable under the ADEA, and instead the complainant bears the burden of proving that a protected characteristic or protected activity was the ''but for'' cause of an unlawful employment practice. This decision has significantly narrowed the scope of protections afforded by the statutes that were not expressly amended in 1991 to address mixed motive claims.

(b) PURPOSES.—The purposes of this Act are—

(1) to clarify congressional intent that mixed motive claims shall be available, and that a complaining party need not prove that a protected characteristic or protected activity was the ''but for'' cause of an unlawful employment practice, under the ADEA and similar civil rights provisions;

(2) to reject the Supreme Court's reasoning in the Gross decision that Congress' failure to amend any statute other than title VII of the Civil Rights Act of 1964 (with respect to discrimination claims), in enacting section 107 of the Civil Rights Act of 1991, suggests that Congress intended to disallow mixed motive claims under other statutes; and

(3) to clarify that complaining parties—

(A) may rely on any type or form of admissible evidence to establish their claims of an unlawful employment practice;

(B) are not required to demonstrate that the protected characteristic or activity was the sole cause of the employment practice; and

(C) may demonstrate an unlawful employment practice through any available method of proof or analytical framework.

SEC. 3. STANDARDS OF PROOF.

(a) AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967.—

(1) CLARIFYING PROHIBITION AGAINST IMPERMISSIBLE CONSIDERATION OF AGE IN EMPLOYMENT PRACTICES.—Section 4 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 623) is amended by inserting after subsection (f) the following:

''(g)(1) Except as otherwise provided in this Act, an unlawful practice is established under this Act when the complaining party demonstrates that age or an activity protected by subsection (d) was a motivating factor for any practice, even though other factors also motivated the practice.

''(2) In establishing an unlawful practice under this Act, including under paragraph (1) or by any other method of proof, a complaining party—

''(A) may rely on any type or form of admissible evidence and need only produce evidence sufficient for a reasonable trier of fact to find that an unlawful practice occurred under this Act; and

''(B) shall not be required to demonstrate that age or an activity protected by subsection (d) was the sole cause of a practice.''.

(2) REMEDIES.—Section 7 of such Act (29 U.S.C. 626) is amended—

(A) in subsection (b)—

(i) in the first sentence, by striking ''The'' and inserting ''(1) The'';

(ii) in the third sentence, by striking ''Amounts'' and inserting the following:

''(2) Amounts'';

(iii) in the fifth sentence, by striking ''Before'' and inserting the following:

''(4) Before''; and

(iv) by inserting before paragraph (4), as designated by clause (iii) of this subparagraph, the following:

''(3) On a claim in which an individual demonstrates that age was a motivating factor for any employment practice, under section 4(g)(1), and a respondent demonstrates that the respondent would have taken the same action in the absence of the impermissible motivating factor, the court—

''(A) may grant declaratory relief, injunctive relief (except as provided in subparagraph (B)), and attorney's fees and costs demonstrated to be directly attributable only to the pursuit of a claim under section 4(g)(1); and

''(B) shall not award damages or issue an order requiring any admission, reinstatement, hiring, promotion, or payment.''; and

(B) in subsection (c)(1), by striking ''Any'' and inserting ''Subject to subsection (b)(3), any''.

(3) DEFINITIONS.—Section 11 of such Act (29 U.S.C. 630) is amended by adding at the end the following:

''(m) The term 'demonstrates' means meets the burdens of production and persuasion.''.

(4) FEDERAL EMPLOYEES.—Section 15 of such Act (29 U.S.C. 633a) is amended by adding at the end the following:

''(h) Sections 4(g) and 7(b)(3) shall apply to mixed motive claims (involving practices described in section 4(g)(1)) under this section.''.

(b) TITLE VII OF THE CIVIL RIGHTS ACT OF 1964.—

(1) CLARIFYING PROHIBITION AGAINST IMPERMISSIBLE CONSIDERATION OF RACE, COLOR, RELIGION, SEX, OR NATIONAL ORIGIN IN EMPLOYMENT PRACTICES.—Section 703 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–2) is amended by striking subsection (m) and inserting the following:

''(m) Except as otherwise provided in this title, an unlawful employment practice is established under this title when the complaining party demonstrates that race, color, religion, sex, or national origin or an activity protected by section 704(a) was a motivating factor for any employment practice, even though other factors also motivated the practice.''.

(2) FEDERAL EMPLOYEES.—Section 717 of such Act (42 U.S.C. 2000e–16) is amended by adding at the end the following:

''(g) Sections 703(m) and 706(g)(2)(B) shall apply to mixed motive cases (involving practices described in section 703(m)) under this section.''.

(c) AMERICANS WITH DISABILITIES ACT OF 1990.—

(1) DEFINITIONS.—Section 101 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111) is amended by adding at the end the following:

''(11) DEMONSTRATES.—The term 'demonstrates' means meets the burdens of production and persuasion.''.

(2) CLARIFYING PROHIBITION AGAINST IMPERMISSIBLE CONSIDERATION OF DISABILITY IN EMPLOYMENT PRACTICES.—Section 102 of such Act (42 U.S.C. 12112) is amended by adding at the end the following:

''(e) PROOF.—

''(1) ESTABLISHMENT.—Except as otherwise provided in this Act, a discriminatory practice is established under this Act when the

complaining party demonstrates that disability or an activity protected by subsection (a) or (b) of section 503 was a motivating factor for any employment practice, even though other factors also motivated the practice.

''(2) DEMONSTRATION.—In establishing a discriminatory practice under paragraph (1) or by any other method of proof, a complaining party—

''(A) may rely on any type or form of admissible evidence and need only produce evidence sufficient for a reasonable trier of fact to find that a discriminatory practice occurred under this Act; and

''(B) shall not be required to demonstrate that disability or an activity protected by subsection (a) or (b) of section 503 was the sole cause of an employment practice.''.

(3) CERTAIN ANTIRETALIATION CLAIMS.—Section 503(c) of such Act (42 U.S.C. 12203(c)) is amended—

(A) by striking ''The remedies'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), the remedies''; and

(B) by adding at the end the following:

''(2) CERTAIN ANTIRETALIATION CLAIMS.—Section 107(c) shall apply to claims under section 102(e)(1) with respect to title I.''.

(4) REMEDIES.—Section 107 of such Act (42 U.S.C. 12117) is amended by adding at the end the following:

''(c) DISCRIMINATORY MOTIVATING FACTOR.—On a claim in which an individual demonstrates that disability was a motivating factor for any employment practice, under section 102(e)(1), and a respondent demonstrates that the respondent would have taken the same action in the absence of the impermissible motivating factor, the court—

''(1) may grant declaratory relief, injunctive relief (except as provided in paragraph (2)), and attorney's fees and costs demonstrated to be directly attributable only to the pursuit of a claim under section 102(e)(1); and

''(2) shall not award damages or issue an order requiring any admission, reinstatement, hiring, promotion, or payment.''.

(d) REHABILITATION ACT OF 1973.—

(1) IN GENERAL.—Sections 501(g), 503(d), and 504(d) of the Rehabilitation Act of 1973 (29 U.S.C. 791(g), 793(d), and 794(d)), are each amended by adding after the words ''title I of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq.)'' the following: '', including the standards of causation or methods of proof applied under section 102(e) of that Act (42 U.S.C. 12112(e)),''.

(2) FEDERAL EMPLOYEES.—The amendment made by paragraph (1) to section 501(g) shall be construed to apply to all employees covered by section 501.

SEC. 4. APPLICATION.

This Act, and the amendments made by this Act, shall apply to all claims pending on or after the date of enactment of this Act.

By Mr. LEAHY (for himself, Mr. COCHRAN, Mr. CASEY, and Mr. MORAN):

S. 1395. A bill to amend the Internal Revenue Code of 1986 to permanently extend and expand the charitable deduction for contributions of food inventory; to the Committee on Finance.

Mr. LEAHY. Mr. President, I am pleased today to introduce the Good Samaritan Hunger Relief Tax Incentive Act along with Senators COCHRAN, CASEY, and MORAN. This bill is an effort I have worked on with former Senator Richard Lugar for many years and I am happy to continue the effort on behalf of hungry families nationwide this Congress.

In the wake of our Nation's economic recession, the demand on food banks, church food pantries, and soup kitchens has increased significantly. According to a study by the United States Department of Agriculture, over 50 million Americans lived in food insecure households in 2011. The same study found that households with children reported food insecurity at a much higher rate than households without children. In fact, in Vermont alone, over 12,000 children rely on food from food shelves each month.

Despite the increased demand for donated food, it is estimated that between 25 and 40 percent of the food that is produced, grown, and transported in the United States will never be consumed. This contributes to the 70 billion pounds of fit and wholesome food that are sent to landfills in the United States each year.

This bill would address this troubling trend by giving greater incentives to all businesses to donate food to nonprofit organizations that feed the hungry. The current tax code allows corporations to receive a special deduction for donations to food banks, but it excludes many other small businesses such as farmers, ranchers, and restaurant owners from the same tax incentive. Unfortunately, these businesses often find it more cost effective to throw away food than to donate it to those in need.

I am pleased beginning in 2006, Congress temporarily extended this tax incentive to most businesses, and most recently extended the provision through the end of 2013. After the provision was enacted, in the restaurant industry alone we saw a 137 percent increase in the pounds of food donated. The Good Samaritan Hunger Relief Tax Incentive Act would make this provision permanent, and would extend the deduction to farmers who often have large amounts of fresh food to donate.

This bipartisan legislation is supported by numerous organizations including Feeding America, the American Farm Bureau Federation, the Food Marketing Institute, Grocery Manufactures Association, the National Restaurant Association, the Vermont Food Bank, and Hunger Free Vermont. I hope as this Congress considers comprehensive tax legislation in the future this measure is included. We must do more to ensure that no one in America goes hungry, and increasing the amount of food available to food banks is a critical step toward meeting that goal.

By Mr. DURBIN:

S. 1399. A bill to amend the Servicemembers Civil Relief Act to extend the interest rate limitation on debt entered into during military service to debt incurred during military service to consolidate or refinance student loans incurred before military service; to the Committee on Veterans' Affairs.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1399

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INTEREST RATE LIMITATION ON DEBT ENTERED INTO DURING MILITARY SERVICE TO CONSOLIDATE OR REFINANCE STUDENT LOANS INCURRED BEFORE MILITARY SERVICE.

(a) IN GENERAL.—Subsection (a) of section 207 of the Servicemembers Civil Relief Act (50 U.S.C. App. 527) is amended—

(1) in paragraph (1), by inserting ''ON DEBT INCURRED BEFORE SERVICE'' after ''LIMITATION TO 6 PERCENT'';

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(3) by inserting after paragraph (1) the following new paragraph (2):

''(2) LIMITATION TO 6 PERCENT ON DEBT INCURRED DURING SERVICE TO CONSOLIDATE OR REFINANCE STUDENT LOANS INCURRED BEFORE SERVICE.—An obligation or liability bearing interest at a rate in excess of 6 percent per year that is incurred by a servicemember, or the servicemember and the servicemember's spouse jointly, during military service to consolidate or refinance one or more student loans incurred by the servicemember before such military service shall not bear an interest at a rate in excess of 6 percent during the period of military service.'';

(4) in paragraph (3), as redesignated by paragraph (2) of this subsection, by inserting ''or (2)'' after ''paragraph (1)''; and

(5) in paragraph (4), as so redesignated, by striking ''paragraph (2)'' and inserting ''paragraph (3)''.

(b) IMPLEMENTATION OF LIMITATION.—Subsection (b) of such section is amended—

(1) in paragraph (1), by striking ''the interest rate limitation in subsection (a)'' and inserting ''an interest rate limitation in paragraph (1) or (2) of subsection (a)''; and

(2) in paragraph (2)—

(A) in the paragraph heading, by striking ''AS OF DATE OF ORDER TO ACTIVE DUTY''; and

(B) by inserting before the period at the end the following: ''in the case of an obligation or liability covered by subsection (a)(1), or as of the date the servicemember (or servicemember and spouse jointly) incurs the obligation or liability concerned under subsection (a)(2)''.

(c) STUDENT LOAN DEFINED.—Subsection (d) of such section is amended by adding at the end the following new paragraph:

''(3) STUDENT LOAN.—The term 'student loan' means the following:

''(A) A Federal student loan made, insured, or guaranteed under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

''(B) A private student loan as that term is defined section 140(a) of the Truth in Lending Act (15 U.S.C. 1650(a)).''.

By Mr. REED (for himself and Mr. BROWN):

S. 1400. A bill to increase access to adult education to provide for economic growth; to the Committee on Finance.

Mr. REED. Mr. President, our economy will not work for individuals or for our nation unless we create and support avenues for adults to continue their education and build their skills. These are longstanding issues that I

have worked on for many years, including the last attempt to reauthorize the Workforce Investment Act. I was pleased to work with Senator Webb in the 112th Congress on the Adult Education and Economic Growth Act, and I am proud to reintroduce it today with Senator BROWN. I thank Congressman RUBÉN HINOJOSA for introducing the companion legislation in the House of Representatives.

The Adult Education and Economic Growth Act increases the investment in adult education programs; ensures better coordination among adult education programs, workforce development programs, and higher education; strengthens professional development for adult education providers; expands the use of technology in adult education programs; and provides incentives for employers to support their workers who need adult education services.

In Rhode Island, roughly 41 percent of working age adults have a college degree. By 2018, it is estimated that 61 percent of Rhode Island jobs will require some postsecondary education. We have an estimated 91,000 individuals without a high school diploma—the basic ticket to accessing postsecondary education and training.

Nationally, the numbers make a similar case for the need to invest in adult education. According to the National Commission on Adult Literacy, 80 to 90 million U.S. adults today, about half of the adult workforce, do not have the basic education and communication skills required to obtain jobs that pay a family-sustaining wage. These individuals continue to struggle in the recovering economy, with unemployment rates above 10 percent for individuals who do not have a high school diploma, compared to 7.6 percent for high school graduates and less than 4 percent for workers with bachelor's degrees.

Simply put, we will not be able to close the skills gap without a robust investment in adult education. Unfortunately, we have not been making this kind of investment. Funding has been anemic, and as a result, services reach fewer than 3 million adults annually—a fraction of the need.

The Adult Education and Economic Growth will help turn around this dire situation by increasing the authorization for adult education programs authorized under Title II of the Workforce Investment Act to $850 million and establishing a new state technology grant for adult education to upgrade the delivery system and assist adults in attaining critical digital literacy skills. This legislation requires state and local workforce investment boards to address adult education in their plans for using funds authorized under Title I of the Workforce Investment Act, including incorporating adult education into career pathways programs and offering integrated education and training programs. It also strengthens programs and services for English learners, including authorizing the Integrated English Literacy and Civics Program, and for adults with disabilities. The legislation will also build the knowledge base on what works for adult learners through a National Center for Adult Education, Literacy, and Workplace Skills. Finally, the Adult Education and Economic Growth Act will provide employers with tax incentives to invest in developing the basic skills of their employees.

In sum, the Adult Education and Economic Growth Act offers a comprehensive approach to reaching the millions of adults who need basic skills, English literacy instruction, or a secondary school diploma so that they can embark on a career pathway that leads to economic stability and success. I am pleased to have worked with the National Commission on Adult Literacy in developing this legislation. I urge my colleagues to cosponsor this bill and work with me to include its provisions in the pending reauthorization of the Workforce Investment Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 202—DESIGNATING JULY 30, 2013, AS ''NATIONAL WHISTLEBLOWER APPRECIATION DAY''

Mr. GRASSLEY (for himself and Mr. LEVIN) submitted the following resolution; which was considered and agreed to.:

S. RES. 202

Whereas, in 1777, before the passage of the Bill of Rights, 10 sailors and marines blew the whistle on fraud and misconduct harmful to the United States;

Whereas the Founding Fathers unanimously supported the whistleblowers in words and deeds, including releasing government records and providing monetary assistance for reasonable legal expenses necessary to prevent retaliation;

Whereas, on July 30, 1778, in demonstration of their full support for whistleblowers, the members of the Continental Congress unanimously enacted the first whistleblower legislation in the United States that read: ''*Resolved*, That it is the duty of all persons in the service of the United States, as well as all other the inhabitants thereof, to give the earliest information to Congress or other proper authority of any misconduct, frauds or misdemeanors committed by any officers or persons in the service of these states, which may come to their knowledge'' (legislation of July 30, 1778, reprinted in *Journals of the Continental Congress, 1774–1789*, ed. Government Printing Office (Washington, DC, 1908), 11:732);

Whereas whistleblowers risk their careers, jobs, and reputations by reporting waste, fraud, and abuse to the proper authorities;

Whereas, when providing proper authorities with lawful disclosures, whistleblowers save taxpayers in the United States billions of dollars each year and serve the public interest by ensuring that the United States remains an ethical and safe place; and

Whereas it is the public policy of the United States to encourage, in accordance with Federal law (including the Constitution, rules, and regulations) and consistent with the protection of classified information (including sources and methods of detection), honest and good faith reporting of misconduct, fraud, misdemeanors, and other crimes to the appropriate authority at the earliest time possible: Now, therefore, be it

Resolved, That the Senate—

(1) designates July 30, 2013, as ''National Whistleblower Appreciation Day''; and

(2) ensures that the Federal Government implements the intent of the Founding Fathers, as reflected in the legislation enacted on July 30, 1778, by encouraging each executive agency to recognize National Whistleblower Appreciation Day by—

(A) informing employees, contractors working on behalf of United States taxpayers, and members of the public about the legal rights of citizens of the United States to blow the whistle; and

(B) acknowledging the contributions of whistleblowers to combating waste, fraud, abuse, and violations of laws and regulations in the United States.

SENATE RESOLUTION 203—EXPRESSING THE SENSE OF THE SENATE REGARDING EFFORTS BY THE UNITED STATES TO RESOLVE THE ISRAELI-PALESTINIAN CONFLICT THROUGH A NEGOTIATED TWO-STATE SOLUTION

Mrs. FEINSTEIN (for herself, Mr. KAINE, and Mr. HEINRICH) submitted the following resolution; which was referred to the Committee on Foreign Relations.:

S. RES. 203

Whereas the special relationship between the United States and Israel is rooted in shared interests and shared values of democracy, human rights, and the rule of law;

Whereas the United States has worked for decades to strengthen Israel's security through assistance and cooperation on defense and intelligence matters in order to enhance the safety of Americans and Israelis;

Whereas the United States remains unwavering in its commitment to help Israel address the myriad challenges our ally faces, including threats from anti-Israel terrorist organizations, regional instability, horrifying violence in neighboring states, and the prospect of a nuclear-armed Iran;

Whereas, the United States continues to seek a permanent, two-state solution to resolve the conflict between Israel and Palestine as a fundamental component of our Nation's commitment to the security of Israel;

Whereas, for 20 years, Presidents of the United States from both political parties and Israeli Prime Ministers have supported a two-state solution to the Israeli-Palestinian conflict;

Whereas ending the Israeli-Palestinian conflict is vital to the interests of all parties and to peace and stability in the Middle East;

Whereas a peace agreement that establishes a Palestinian state, coexisting side-by-side with Israel in peace and security, is necessary to ensure that Israel remains a Jewish, democratic state;

Whereas, recognizing the urgency of the situation, Secretary John Kerry made 6 trips to the Middle East in his first 6 months as Secretary of State in an effort to resume negotiations toward a two-state solution;

Whereas, on July 29, 2013 representatives of Israel and Palestine engaged in face-to-face talks in order to move toward a resumption

of formal negotiations on the Israeli-Palestinian conflict's final status issues:

Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) a two-state solution is the only outcome to the Israeli-Palestinian conflict which can—

(A) ensure the State of Israel's survival as a secure, democratic homeland for the Jewish people; and

(B) fulfill the legitimate aspirations of the Palestinian people for a state of their own;

(2) achievement of a two-state solution that would enhance stability and security in the Middle East is a fundamental United States security interest;

(3) while only Israel and Palestine can make the difficult choices necessary to end their conflict, the United States remains indispensable to any viable effort to achieve that goal;

(4) Secretary of State John Kerry is to be commended for his tireless efforts to urgently advance a negotiated two-state solution; and

(5) the Senate pledges its support for a sustained United States diplomatic initiative to help Israel and Palestine conclude an agreement to end their conflict.

SENATE RESOLUTION 204—DESIGNATING AUGUST 7, 2013, AS ''NATIONAL LIGHTHOUSE AND LIGHTHOUSE PRESERVATION DAY''

Mr. KING (for himself and Ms. COLLINS) submitted the following resolution; which was considered and agreed to:

S. RES. 204

Whereas August 7, 2013, marks the 224th anniversary of the signing by President George Washington of the Act entitled ''An Act for the establishment and support of lighthouses, beacons, buoys, and public piers'', approved August 7, 1789 (commonly known as the ''Lighthouse Act of 1789'') (1 Stat. 53, chapter 9);

Whereas that Act, the ninth act of the 1st Congress, established a Federal role in the support, maintenance, and repair of all lighthouses, beacon buoys, and public piers necessary for safe navigation, commissioned the first Federal lighthouse, and represents the first public works act in the young United States;

Whereas the establishment of the United States system of navigational aids set the United States on a path to the forefront of international maritime prominence and established lighthouses that played an integral role in the rich maritime history of the United States, as that history spread from the Atlantic coast, through the Great Lakes and the Gulf coast, to the Pacific States;

Whereas those iconic structures, standing at land's end through 2 centuries, have symbolized safety, security, heroism, duty, and faithfulness;

Whereas architects, designers, engineers, builders, and keepers devoted, and in some cases jeopardized, their lives for the safety of others during centuries of light tending by the United States Lighthouse Service and the United States Coast Guard;

Whereas the automation of the light system exposed the historic lighthouse towers to the ravages of time and vandalism and yet, at the same time, opened an opportunity for citizen involvement in efforts to save and restore those beacons that mark the evolving maritime history of the United States and its coastal communities;

Whereas the national lighthouse preservation movement has gained momentum over the past half century and is making major contributions to the preservation of maritime history and heritage and, through the development and enhancement of cultural tourism, to the economies of coastal communities in the United States;

Whereas the National Historic Lighthouse Preservation Act of 2000 (Public Law 106–355; 114 Stat. 1385), enacted on October 24, 2000, and with the aid of the lighthouse preservation community, provides an effective process administered by the General Services Administration and the National Park Service for transferring lighthouses to the best possible stewardship groups;

Whereas, for the past several decades, regional and national groups have formed within the lighthouse preservation community to promote lighthouse heritage through research, education, tourism, and publications;

Whereas the earliest and largest regional preservation group, the Great Lakes Lighthouse Keepers Association, headquartered in Michigan, marks its 30th anniversary in 2013, and the largest and oldest national group, the United States Lighthouse Society, which relocated from San Francisco, California, to the State of Washington in 2008, marks its 30th anniversary in 2014;

Whereas other groups have also been formed to promote lighthouse preservation and history, many with regional chapters, including—

(1) a national leadership council and forum named the American Lighthouse Council (formerly the American Lighthouse Coordinating Committee), currently headquartered in Illinois;

(2) the American Lighthouse Foundation in Maine;

(3) the Michigan Lighthouse Alliance and Michigan Lighthouse Conservancy;

(4) the Maine Lights Program;

(5) the Outer Banks Lighthouse Society in North Carolina;

(6) the New Jersey Lighthouse Society;

(7) the Florida Lighthouse Association; and

(8) the Lighthouse Preservation Society in Massachusetts;

Whereas major lighthouse publications, including the United States Lighthouse Society's Keeper's Log and the Lighthouse Digest, contribute greatly to the promotion of lighthouse heritage and preservation;

Whereas single-lighthouse preservation efforts by individuals or organizations, including historical societies and governments, have even longer histories, including preservation efforts in—

(1) Grosse Point, Illinois, established in 1935;

(2) Buffalo, New York, established in 1962;

(3) Navesink Twin Lights, New Jersey, established in 1962;

(4) Point Fermin, California, established in 1970;

(5) Charlotte-Genesse near Rochester, New York, established in 1965;

(6) Key West, Florida, established in 1969;

(7) Split Rock Lighthouse, Minnesota, established in 1971;

(8) Ponce de Leon Inlet, Florida, established in 1972;

(9) St. Augustine, Florida, established in 1981; and

(10) Fire Island, New York, established in 1982;

Whereas, despite progress, many lighthouses in the United States remain threatened by erosion, neglect, vandalism, and deterioration by the elements;

Whereas Congress passed, and President Ronald Reagan signed, a Joint Resolution entitled ''Joint Resolution designating the day of August 7, 1989, as 'National Lighthouse Day' '', approved November 5, 1988 (Public Law 100–622; 102 Stat. 3201), in honor of the bicentennial of the United States Lighthouse Service; and

Whereas the many completed, ongoing, or planned private and public efforts to preserve lighthouses demonstrate the public support for those historic structures: Now, therefore, be it

Resolved, That the Senate—

(1) designates August 7, 2013, as ''National Lighthouse and Lighthouse Preservation Day'';

(2) encourages lighthouse grounds to be made open to the general public to the extent feasible; and

(3) encourages the people of the United States to observe National Lighthouse and Lighthouse Preservation Day with appropriate ceremonies and activities.

SENATE RESOLUTION 205—EXPRESSING SUPPORT FOR THE DESIGNATION OF SEPTEMBER 2013 AS NATIONAL OVARIAN CANCER AWARENESS MONTH

Ms. STABENOW (for herself, Ms. AYOTTE, Mr. BLUMENTHAL, Mr. BOOZMAN, Mrs. BOXER, Ms. COLLINS, Mr. DURBIN, Mrs. FEINSTEIN, Mrs. HAGAN, Ms. HIRONO, Mr. MENENDEZ, Mr. MORAN, Mr. RUBIO, Mrs. SHAHEEN, Mr. UDALL of Colorado, Mr. VITTER, Ms. WARREN, and Mr. WHITEHOUSE) submitted the following resolution; which was considered and agreed to:

S. RES. 205

Whereas ovarian cancer is the deadliest of all gynecologic cancers;

Whereas ovarian cancer is the fifth leading cause of cancer deaths among women in the United States;

Whereas, in 2013, approximately 22,000 new cases of ovarian cancer will be diagnosed, and 14,400 women will die of ovarian cancer in the United States;

Whereas the mortality rate for ovarian cancer has not significantly decreased since the ''War on Cancer'' was declared more than 40 years ago;

Whereas all women are at risk for ovarian cancer, and 90 percent of women diagnosed with ovarian cancer do not have a family history that puts them at a higher risk;

Whereas some women, such as those with a family history of breast or ovarian cancer, are at higher risk for developing the disease;

Whereas the Pap test is sensitive and specific to the early detection of cervical cancer, but not ovarian cancer;

Whereas there is currently no reliable early detection test for ovarian cancer;

Whereas many people are unaware that the symptoms of ovarian cancer often include bloating, pelvic or abdominal pain, difficulty eating or feeling full quickly, urinary symptoms, and several other symptoms that are easily confused with other diseases;

Whereas, in June 2007, the first national consensus statement on ovarian cancer symptoms was developed to provide consistency in describing symptoms to make it easier for women to learn and remember the symptoms;

Whereas there are known methods to reduce the risk of ovarian cancer, including prophylactic surgery, oral contraceptives, and breastfeeding;

Whereas due to the lack of a reliable early detection test, 75 percent of cases of ovarian cancer are detected at an advanced stage, making the overall 5-year survival rate only 46 percent;

Whereas there are factors that are known to reduce the risk for ovarian cancer and

that play an important role in the prevention of the disease;

Whereas awareness of the symptoms of ovarian cancer by women and health care providers can lead to a quicker diagnosis;

Whereas, each year during the month of September, the Ovarian Cancer National Alliance and its partner members hold a number of events to increase public awareness of ovarian cancer; and

Whereas September 2013 should be designated as ''National Ovarian Cancer Awareness Month'' to increase public awareness of ovarian cancer: Now, therefore, be it

Resolved, That the Senate supports the goals and ideals of National Ovarian Cancer Awareness Month.

SENATE RESOLUTION 206—DESIGNATING SEPTEMBER 2013 AS ''NATIONAL PROSTATE CANCER AWARENESS MONTH''

Mr. SESSIONS (for himself, Mr. CARDIN, Mr. CRAPO, Mr. WICKER, Mr. CHAMBLISS, Mr. JOHNSON of South Dakota, Mr. SHELBY, Mrs. BOXER, Mrs. FEINSTEIN, Mr. MENENDEZ, Mrs. HAGAN, Mr. MORAN, Ms. AYOTTE, Mr. BLUNT, and Mr. KING) submitted the following resolution; which was considered and agreed to:

S. RES. 206

Whereas 2,500,000 families in the United States live with prostate cancer;

Whereas 1 in 6 males in the United States will be diagnosed with prostate cancer in their lifetimes;

Whereas prostate cancer is the most commonly diagnosed non-skin cancer and the second most common cause of cancer-related deaths among males in the United States;

Whereas the National Cancer Institute estimates that, in 2013, nearly 240,000 men will be diagnosed with, and more than 29,000 men will die of, prostate cancer;

Whereas 40 percent of newly diagnosed prostate cancer cases occur in males under the age of 65;

Whereas approximately every 14 seconds, a male in the United States turns 50 years old and increases his odds of developing cancer, including prostate cancer;

Whereas African-American males suffer from a prostate cancer incidence rate that is up to 65 percent higher than that for white males and have double the prostate cancer mortality rate than that of white males;

Whereas obesity is a significant predictor of the severity of prostate cancer;

Whereas the probability that obesity will lead to death and high cholesterol levels is strongly associated with advanced prostate cancer;

Whereas males in the United States with 1 family member diagnosed with prostate cancer have a 33 percent chance of being diagnosed with the disease, males with 2 close family members diagnosed have an 83 percent chance, and males with 3 family members diagnosed have a 97 percent chance;

Whereas only 33 percent of males survive more than 5 years if diagnosed with prostate cancer after the cancer has metastasized;

Whereas there are no noticeable symptoms of prostate cancer while in the early stages, making screening critical;

Whereas screening by a digital rectal examination and a prostate-specific antigen blood test can detect the disease in the early stages, increasing the chances of survival for more than 5 years to nearly 100 percent;

Whereas ongoing research promises further improvements in prostate cancer prevention, early detection, and treatment; and

Whereas educating people in the United States, including health care providers, about prostate cancer and early detection strategies is crucial to saving the lives of males and preserving and protecting families: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2013 as ''National Prostate Cancer Awareness Month'';

(2) declares that steps should be taken—

(A) to raise awareness about the importance of screening methods for, and treatment of, prostate cancer;

(B) to increase research funding to a level that is commensurate with the burden of prostate cancer, so that—

(i) screening and treatment for prostate cancer may be improved;

(ii) the causes of prostate cancer may be discovered; and

(iii) a cure for prostate cancer may be developed; and

(C) to continue to consider ways for improving access to, and the quality of, health care services for detecting and treating prostate cancer; and

(3) calls on the people of the United States, interest groups, and affected persons—

(A) to promote awareness of prostate cancer;

(B) to take an active role in the fight to end the devastating effects of prostate cancer on individuals, families, and the economy; and

(C) to observe National Prostate Cancer Awareness Month with appropriate ceremonies and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1823. Mr. JOHNSON of Wisconsin submitted an amendment intended to be proposed by him to the bill S. 1243, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2014, and for other purposes; which was ordered to lie on the table.

SA 1824. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1243, supra; which was ordered to lie on the table.

SA 1825. Ms. AYOTTE (for herself and Mr. TOOMEY) submitted an amendment intended to be proposed by her to the bill S. 1243, supra; which was ordered to lie on the table.

SA 1826. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 959, to amend the Federal Food, Drug, and Cosmetic Act with respect to compounding drugs; which was ordered to lie on the table.

SA 1827. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 959, supra; which was ordered to lie on the table.

SA 1828. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 959, supra; which was ordered to lie on the table.

SA 1829. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 959, supra; which was ordered to lie on the table.

SA 1830. Mr. ENZI (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill S. 1243, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2014, and for other purposes; which was ordered to lie on the table.

SA 1831. Mr. ENZI (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill S. 1243, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1823. Mr. JOHNSON of Wisconsin submitted an amendment intended to be proposed by him to the bill S. 1243, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2014, and for other purposes; which was ordered to lie on the table; as follows:

On page 15, line 16, strike the period and insert the following: '': *Provided further*, That the Administrator of the Federal Aviation Administration shall expend amounts appropriated under this heading to pay for the costs of all air traffic and safety support services required when general aviation traffic increases and the need for such services is significant and anticipated.''.–

SA 1824. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1243, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2014, and for other purposes; which was ordered to lie on the table; as follows:

On page 25, line 14, after ''2014'', insert '', of which $100,000 shall be made available to the Secretary of Transportation to encourage States to prioritize vehicles defined in section 30D(d)(1) of the Internal Revenue Code of 1986 and vehicles that operate solely on compressed natural gas for purposes of section 166(b)(5)(B) of title 23, United States Code''.

SA 1825. Ms. AYOTTE (for herself and Mr. TOOMEY) submitted an amendment intended to be proposed by her to the bill S. 1243, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2014, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. HOURS OF SERVICE STUDY

In carrying out the requirements of Section 32301 of PL 112–141 (MAP–21), the Secretary shall evaluate impacts on small business operators, and consider a low-cost option to address any adverse impacts and report back to the Committee on Appropriations of the Senate and the Committee on Commerce, Science, and Transportation of the Senate no later than December 31, 2013.

SA 1826. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 959, to amend the Federal Food, Drug, and Cosmetic Act with respect to compounding drugs; which was ordered to lie on the table; as follows:

On page 37, strike lines 6 through 10.

SA 1827. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 959, to amend the Federal Food, Drug, and Cosmetic Act

with respect to compounding drugs; which was ordered to lie on the table; as follows:

On page 37, strike lines 11 through 18.

SA 1828. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 959, to amend the Federal Food, Drug, and Cosmetic Act with respect to compounding drugs; which was ordered to lie on the table; as follows:

On page 38, strike lines 4 through 9.

SA 1829. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 959, to amend the Federal Food, Drug, and Cosmetic Act with respect to compounding drugs; which was ordered to lie on the table; as follows:

On page 39, strike line 24 and all that follows through line 7 on page 42 and insert the following:

''(2) NON-APPLICABILITY TO NON-STERILE DRUGS.—Notwithstanding any other provision of law, the requirements of this section shall not apply to a non-sterile drug (a drug that does not meet the definition of a sterile drug under subsection (b)(9)), or to a traditional compounder or compounding manufacturer with respect to such a drug.''.

SA 1830. Mr. ENZI (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill S. 1243, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2014, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the royalties collected pursuant to the Mineral Leasing Act of 1920 (30 U.S.C. 181 et seq.) that are required to be paid, as of the date of the enactment of this Act, to the State from which the minerals were located, may be deposited into the Highway Trust Fund.

SA 1831. Mr. ENZI (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill S. 1243, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2014, and for other purposes; which was ordered to lie on the table; as follows:

On page 188, after line 24, insert the following:

SEC. 4____. (a) Section 411(h) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1240a(h)) is amended by striking paragraph (5).

(b) The amendment made by subsection (a) takes effect on July 6, 2012.

NOTICE OF HEARING

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in executive session on Wednesday, July 31, 2013, at 10 a.m. in room 608 of the Dirksen Senate Office Building to mark-up S. 1356, Workforce Investment Act of 2013, the nominations of Robert F. Cohen, Jr., of West Virginia, to be a member of the Federal Mine Safety and Health Review Commission, William I. Althen, of Virginia, to be a member of the Federal Mine Safety and Health review Commission, Catherine E. Lhamon, of California, to be Assistant Secretary for Civil Rights, Department of Education as well as any additional nominations cleared for action.

For further information regarding this meeting, please contact the Committee at (202) 224–5375.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on July 30, 2013, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. HARKIN. Mr. President, I ask uanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 30, 2013, at 10 a.m., to conduct a hearing entitled ''Mitigating Systemic Risk in Financial Markets Through Wall Street Reforms.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on July 30, 2013, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on July 30, 2013, at 2:30 p.m., in room 366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on July 30, 2013.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on July 30, 2013, at 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on July 30, 2013, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. HARKIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 30, 2013, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, COMPETITION POLICY, AND CONSUMER RIGHTS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Antitrust, Compensation Policy, and Consumer Rights, be authorized to meet during the session of the Senate, on July 30, 2013, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Standard Essential Patent Disputes and Antitrust Law.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS, FORESTS, AND MINING

Mr. HARKIN. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, Forests, and Mining of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate in order to conduct a hearing on July 30, 2013, at 10 a.m. in room SD–366 of the Dirksen Senate Office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that a legal fellow in Senator BLUMENTHAL's office, Afton Cissell, be granted floor privileges for the duration of July 30, 2013.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I ask unanimous consent the privilege of the floor be granted to the following member of my staff: Chris Jacob.

The PRESIDING OFFICER. Without objection, it is so ordered.

DOUGLAS A. MUNRO COAST GUARD HEADQUARTERS BUILDING

Mr. BLUMENTHAL. I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2611, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 2611) to designate the headquarters building of the Coast Guard on the campus located at 2701 Martin Luther King, Jr., Avenue Southeast in the District of Columbia as the ''Douglas A. Munro Coast Guard Headquarters Building,'' and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. BLUMENTHAL. I further ask that the bill be read three times and passed, and that the motion to reconsider be considered made and laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2611) was ordered to a third reading, was read the third time, and passed.

IMPROVING THE HOME EQUITY CONVERSION MORTGAGE INSURANCE PROGRAM

Mr. BLUMENTHAL. I ask unanimous consent the Banking, Housing and Urban Affairs Committee be discharged from further consideration of H.R. 2167, and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 2167) to authorize the Secretary of Housing and Urban Development to establish additional requirements to improve the fiscal safety and soundness of the home equity conversion mortgage insurance program.

There being no objection, the Senate proceeded to consider the bill.

Mr. BLUMENTHAL. I ask unanimous consent the bill be read a third time and passed and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2167) was ordered to a third reading, was read the third time, and passed.

AUTHORIZING USE OF THE CAPITOL GROUNDS

Mr. BLUMENTHAL. I ask unanimous consent that the Senate proceed to the consideration of H. Con. Res. 44, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The bill clerk read as follows:

A concurrent resolution (H. Con. Res. 44) authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. BLUMENTHAL. I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 44) was agreed to.

RESOLUTIONS SUBMITTED TODAY

Mr. BLUMENTHAL. I ask unanimous consent that the Senate proceed to the immediate consideration en bloc of the following resolutions, which were submitted earlier today: S. Res. 202, S. Res. 204, S. Res. 205, and S. Res. 206.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. BLUMENTHAL. I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be laid upon the table en bloc, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions were agreed to.

The preambles were agreed to.

(The resolutions, with their preambles, are printed in today's RECORD under ''Submitted Resolutions.'')

MEASURE READ THE FIRST TIME—S. 1392

Mr. BLUMENTHAL. Mr. President, I understand that S. 1392, introduced earlier today by Senators SHAHEEN and PORTMAN, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The bill clerk read as follows:

A bill (S. 1392) to promote energy savings in residential buildings and industry, and for other purposes.

Mr. BLUMENTHAL. I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

ORDERS FOR WEDNESDAY, JULY 31, 2013

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, July 31, 2013, and that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate resume consideration of S. 1243, the Transportation, Housing and Urban Development appropriations bill, under the previous order; further, that upon disposition of the Paul amendment, the Senate proceed to executive session to consider Calendar No. 201, the nomination of Byron Todd Jones to be Director of the ATF, and that the Senate proceed to the cloture vote on the Jones nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BLUMENTHAL. There will be two rollcall votes at approximately 10:45 a.m. tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BLUMENTHAL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 8:13 p.m., adjourned until Wednesday, July 31, 2013 at 9:30 a.m.

NOMINATIONS

Executive nomination received by the Senate:

NATIONAL MEDIATION BOARD

NICHOLAS CHRISTOPHER GEALE, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2016. (REAPPOINTMENT)

CONFIRMATIONS

Executive nominations confirmed by the Senate July 30, 2013:

NATIONAL LABOR RELATIONS BOARD

HARRY I. JOHNSON III, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2015.

PHILIP ANDREW MISCIMARRA, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2017.

MARK GASTON PEARCE, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2018.

KENT YOSHIHO HIROZAWA, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2016.

NANCY JEAN SCHIFFER, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2014.